35:30-8-1. Establishment of quarantine
The State Board of Agriculture does hereby establish an external quarantine for the cotton seed bug (Oxycarenus hyalinipennis).

35:30-8-2. Regulated area
Regulated articles from the entire state of California, and any other state or foreign country known to be infested with the cotton seed bug (Oxycarenus hyalinipennis) shall be quarantined.

35:30-8-3. Regulated articles
The following shall be regulated pursuant to this quarantine:
(1) All plant and plant parts of the family Malyaceae including, but not limited to, nursery stock and other living, dead, cut, or fallen fruit, fruiting structures, or seeds;
(2) All life states of the cotton seed bug (Oxycarenus hyalinipennis); and
(3) All production and transportation equipment.

35:30-8-4. Conditions governing movement
(a) All regulated articles originating from quarantined areas are prohibited entry into or transition through the State of Oklahoma unless accompanied by a phytosanitary certificate from the state of origin declaring, "The articles were officially inspected after harvest and found free of the cotton seed bug (Oxycarenus hyalinipennis) and the articles were stored in such a manner to remain free of the cotton seed bug in storage and transit."
(b) Regulated articles originating in an area not known to have the cotton seed bug but in transit through an area known to have the cotton seed bug shall be regulated articles.
(c) Regulated articles to be used for research purposes may move pursuant to a compliance agreement with the Oklahoma Department of Agriculture, Food, and Forestry.

35:30-8-5. Movement for scientific purposes
Interstate and intrastate movement of regulated articles and all living stages of the cotton seed bug (Oxycarenus hyalinipennis) for scientific or experimental purposes may move under a compliance agreement and scientific permit.

SUBCHAPTER 17. COMBINED PESTICIDE

PART 1. COMMERCIAL AND NON-COMMERCIAL CATEGORIES OF PESTICIDE APPLICATION

35:30-17-1.3. Commercial pesticide applicator license renewal
(a) Each license for commercial pesticide application for companies with names beginning with the letters A, B, C, D, E, F, G, H, I, J, K, and L shall expire on the 30th day of September following issuance or renewal, and may be renewed for the ensuing calendar year, without penalty or reexamination if a properly completed application is filed with the Board not later than the 1st day of October of each year. If the application is not received by October 1, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license. If the application is not received by November 1, an additional penalty of One Hundred Dollars ($100.00) shall be paid by the applicant prior to license renewal.

(b) Each license for commercial pesticide application for companies with names beginning with the letters M, N, O, P, Q, R, S, T, U, V, W, X, Y and Z shall expire on the 31st day of December following issuance or renewal, and may be renewed for the ensuing calendar year, without penalty or reexamination if a properly completed application is filed with the Board not later than the 1st day of January of each year. If the application is not received by January 1, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license. If the application is not received by February 1, an additional penalty of One Hundred Dollars ($100.00) shall be paid by the applicant prior to license renewal.

PART 3. CERTIFICATION, CONDUCT OF EXAMINATIONS, AND RECERTIFICATION

35:30-17-4. Examination of applicants for certification
(a) The written examination for certification of commercial and noncommercial applicators shall include two (2) phases. Phase I shall consist of general knowledge common to all licensed categories and shall be successfully completed before examination is attempted in any license category. Phase II shall consist of specific knowledge for each licensed category. An applicant may test in as many different licensed categories as desired. An applicant shall successfully complete a Phase II examination within twelve (12) months of passing the Phase I examination. Failure to meet the twelve (12) month deadline shall require an applicant to re-take the Phase I examination.

(b) The written examination for certification of commercial and noncommercial applicators shall be computer based and conducted at a site determined by the board.

(c) A practical examination shall also be required for commercial and noncommercial applicators in the following categories: Structural Pest, General Pest, Fumigation, and Food Processing. An individual shall successfully complete the practical examination within twelve (12) months of passing the Phase II written examination in the above categories. Failure to meet the twelve 12) month deadline shall require an individual to re-take the Phase II written examination.

(d) The practical examination shall be conducted at the training facility at Oklahoma State University and includes the successful completion of an approved training program which demonstrates a thorough knowledge in the handling of pesticides, labels and labeling requirements, storage, transportation, mixing, application, disposal, insect biology and safety. The facility at Oklahoma State University meets the following conditions for treatment in the Structural Pest Category: crawl space, voids, and a concrete floor, garage floor, or patio slab.

(e) A service technician shall be certified upon successful completion of a written service technicians examination. An individual shall not act, do business, or advertise as a service
technician unless a service technician identification has been issued by the Board. A service technicians' identification shall be issued in the name of the licensed entity. The licensee shall return the service technician identification to the Board upon termination of the employee. A service technician identification shall be valid for five (5) years unless suspended, canceled, revoked, or the service technician is no longer employed by the licensed entity. Recertification may be required at any time by the Board. The Department may issue a service technician identification upon completion of the following:

(1) A determination is made by the Department that the applicant has successfully completed the written examination;
(2) The licensed entity provides a completed service technician identification application form at the time of testing; and
(3) All appropriate fees are paid at the time of testing.

(f) The written examination for service technician shall be computer based and conducted at a site determined by the board.

(g) Private applicators shall complete a certification form and an education program or written examination as required by the Board. Private applicators in the Fumigation category shall be required to complete the certification form and a closed book written exam and successfully complete the Fumigation practical at the training facility at Oklahoma State University within twelve (12) months of passing the Fumigation written exam.

(h) The written examination for private applicator applicators shall be computer based and conducted at a site determined by the board.

(i) An individual shall not act, do business, or advertise as a certified applicator unless all qualifications and standards required by the Board have been met. A certificate in any category shall be valid for five (5) years unless suspended, canceled, or revoked. Recertification may be required by the Board, but shall not exceed one recertification in a five (5) year period.

(j) Successful completion of any written examination shall be a score of 70% or greater.

(k) The Department may require that an individual seeking a certified applicator or service technician certification demonstrate the capability to read and write with sufficient proficiency to comprehend the content and instructions of a pesticide label.

35:30-17-6. Recertification

(a) Each certified applicator shall seek recertification every five (5) years.

(b) Within twelve (12) months of expiration, a certified applicator shall either pass a written Phase II examination or earn a specified number of Continuing Education Units (CEU) approved by the Department to successfully complete recertification. Approximately one (1) hour of education shall be the equivalent of one (1) CEU. The CEU requirements for each category are as follows:

(1) 1a - Agricultural Plant:
    (A) Total in five years - 20 CEU
    (B) Maximum in any one year - 10 CEU
(2) 1b - Agricultural Animal:
    (A) Total in five years - 5 CEU
(B) Maximum in any one year - 2 CEU

3 - Forest:
(A) Total in five years - 10 CEU
(B) Maximum in any one year - 5 CEU

4 - Ornamental and Turf Outdoor:
(A) Total in five years - 20 CEU
(B) Maximum in any one year - 10 CEU

5 - Interiorscape:
(A) Total in five years - 10 CEU
(B) Maximum in any one year - 5 CEU

6 - Nursery/Greenhouse:
(A) Total in five years - 15 CEU
(B) Maximum in any one year - 7 CEU

7 - Seed Treatment:
(A) Total in five years - 5 CEU
(B) Maximum in any one year - 2 CEU

8 - Aquatic:
(A) Total in five years - 5 CEU
(B) Maximum in any one year - 2 CEU

9 - Right-of-Way:
(A) Total in five years - 15 CEU
(B) Maximum in any one year - 7 CEU

10 - General Pest:
(A) Total in five years - 20 CEU
(B) Maximum in one year - 10 CEU

11 - Structural Pest:
(A) Total in five years - 20 CEU
(B) Maximum in one year - 10 CEU

12 - Fumigation:
(A) Total in five years - 10 CEU
(B) Maximum in one year - 5 CEU

13 - Food Processing:
(A) Total in five years - 15 CEU
(B) Maximum in one year - 7 CEU

14 - Public Health:
(A) Total in five years - 15 CEU
(B) Maximum in one year - 7 CEU

15 - Regulatory:
(A) Total in five years - 10 CEU
(B) Maximum in one year - 5 CEU

16 - Demonstration & Research in app. Category:
(A) Total in five years - 20 CEU
(B) Maximum in one year - 10 CEU

17 - Bird & Vertebrate Animal Pest:
(A) Total in five years - 5 CEU
(B) Maximum in one year - 2 CEU

(18) 11b - Predatory Animal
   (A) Total in five years - 5 CEU
   (B) Maximum in one year - 2 CEU

(19) 12 - Timber Treating (all subcategories):
   (A) Total in five years - 5 CEU
   (B) Maximum in one year - 2 CEU

(20) 13 - Antimicrobial:
   (A) Total in five years - 5 CEU
   (B) Maximum in any one year - 2 CEU

(21) 14 - Specialty Category:
   (A) Total in five years - 5 CEU
   (B) Maximum in any one year - 2 CEU

(22) 15 - Aerial:
   (A) Total in five years - 5 CEU
   (B) Maximum in any one year - 2 CEU

(23) 16 - Private Applicator:
   (A) Total in five years - 20 CEU
   (B) Maximum in any one year - 10 CEU

(c) No more than one-half (1/2) of the total credit units shall be accepted for any one Calendar year.
   (1) Credit units shall be obtained in at least three (3) of the five (5) years, in any combination, so that the total number obtained equals or exceeds the five (5) year requirement.
   (2) The continuing education units may be prorated for any applicator whose recertification period is less than five (5) years.
   (3) The Department may allow a CEU to be credited to more than one category.

(d) The CEU shall be structured to provide the following information over the five (5) year period:
   (1) Laws and rules;
   (2) Pesticides (formulations, registration, labeling and label comprehension, handling and storage, toxicity, and hazards);
   (3) Application equipment and calibration;
   (4) Pests and IPM;
   (5) Identification of hazardous areas;
   (6) Drift prevention;
   (7) Endangered species;
   (8) Groundwater; and
   (9) Worker protection.

(e) Any person may request approval of an education program as CEU.
   (1) The request for approval shall include the following:
      (A) A list of proposed topics including a description of the content and their relative value for meeting the standards of continuing certification;
      (B) A list of speakers and their qualifications; and
      (C) Method used to verify attendance and evaluate the progress of participants.
(2) The Department and the Oklahoma State University Pesticide Coordinator shall review the request for approval to determine if it meets the criteria of CEU.
   (A) If the education program is approved for CEU, the person requesting approval shall be notified of the number of assigned CEU.
   (B) Awarded CEUs shall not be valid for more than five (5) years after the date of approval. After five (5) years, courses shall be resubmitted for review and approval.
   (C) The person requesting approval may appeal the number of assigned CEU to a three-person review committee with a representative from each of the following:
      (i) Oklahoma State University;
      (ii) the Department; and
      (iii) certified applicators.
(3) Individuals seeking course approval for CEUs shall electronically submit course information and other required information for CEU approval through a website.

PART 6. PESTICIDAL PRODUCT PRODUCING ESTABLISHMENTS

35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations
(a) The Registration of Pesticide and Active Ingredient Producing Establishments, Submission of Pesticide Reports and Books and Records of Pesticide Production and Distribution Regulations found in Title 40 of the Code of Federal Regulations (CFR) (2020 2021 Revision), Part 167 et seq. and Part 169 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of 40 CFR § 167.90.
(b) All words or terms defined or used in the Federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

PART 8. PESTICIDE REGISTRATIONS AND PERMITS

35:30-17-17.4. Spray adjuvant
   Labels for spray adjuvants shall include:
   (1) Product brand name;
   (2) Type or function of principal functioning agents. Terms used to describe adjuvant functions shall be consistent with ASTM International Standards E 1519 and E 609. If ASTM International has not defined a term, the Department will determine the appropriate term. Functions claimed shall be consistent with the principal functioning agents. If two (2) or more functions are claimed, the functions shall be listed in descending order starting with the primary function;
   (3) Ingredient statement that includes:
      (A) Principal functioning agents listed by chemical name in descending order of composition with either individual or total percentages. If more than three (3) functioning agents are present, only the three (3) principal agents are required to be listed;
      (B) Percentage of constituents ineffective as spray adjuvants; and
      (C) Total percentage of all ingredients which shall equal one hundred percent (100%);
   (4) Directions for use that include a description of intended uses and recommended use rates;
(5) Precautionary statements adequate to protect people and the environment that include:
   (A) Statement "Keep Out of Reach of Children"; and
   (B) Statement prohibiting aquatic use unless the registrant provides data to demonstrate
       that the proposed use will not cause unreasonable adverse effects to fish and aquatic
       invertebrates;
(6) Appropriate storage and disposal statement;
(7) Name and address of the registrant or manufacturer. If the registrant's name appears on
    the label and the registrant is not the manufacturer, the name shall be qualified by appropriate
    wording such as "Packaged for" or "Distributed by"; and
(8) Weight or measure of the contents.

PART 9. MINIMUM STANDARDS FOR CONTRACTS AND KEEPING OF RECORDS

35:30-17-21.1 Records required for pesticide applications and restricted use pesticide sales
(a) Commercial and non-commercial applicators shall keep accurate records pertaining to
    pesticide activities, which, at a minimum, show:
    (1) Start and stop time of application.
    (2) Total amount of pesticide used.
    (3) Name and address of the commercial or non-commercial company.
    (4) Name and certification number of the certified applicator who made or supervised the
        application and name of the non-certified applicator under direct supervision, if any.
    (5) Name and address of person for whom applied.
    (6) Legal description of the land where applied. The legal description may be a street
        address if properly marked, but shall not be a Post Office Box address.
    (7) Date of application.
    (8) Application rate.
    (9) Dilution rate for mixing.
    (10) Total quantity tank mix used.
    (11) Complete trade name of pesticide product used.
    (12) EPA registration number of pesticide product used.
    (13) Name of adjuvants used when the label requires specific adjuvants.
    (14) Name of drifting agents used when the label requires specific drifting agents.
    (15) Target pest for the application.
    (16) Site where the pesticide was applied.
    (17) Size of the area treated.
    (18) Restricted Entry Interval as stated on the product label.
    (19) A copy of the pesticide product label or labeling that is attached to the container or
        included in the shipping case.
    (20) Copies of any contracts issued.
    (21) Copies of any wood infestation reports issued.
    (22) Other information as required by the Board.
(b) Private applicators of restricted use pesticides shall keep accurate records pertaining to
    applications, which, at a minimum, show:
    (1) Start and stop time of application.
Total amount of pesticide used.
Name and address of the private applicator.
Name and certification number of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
Date of application.
Application rate.
Dilution rate for mixing.
Total quantity tank mix used.
Complete trade name of pesticide product used.
EPA registration number of pesticide product used.
Name of adjuvants used when the label requires specific adjuvants.
Name of drifting agents used when the label requires specific drifting agents.
Target pest for the application.
Site where the pesticide was applied.
Size of the area treated.
Restricted Entry Interval as stated on the product label.
A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
Other information as required by the Board.
(c) Restricted use pesticide dealers shall keep accurate records of restricted use pesticide sales, which, at a minimum show:

Complete brand name of the pesticide.
EPA registration number of the pesticide.
Date the pesticide was sold.
Total amount of restricted use pesticide sold.
Name and address of the residence or principal place of business of the a person to whom the restricted use pesticide was distributed or sold for application by a certified applicator.
Name and address, license or certification number, and copy of the applicator’s card of the a certified or private applicator.
Other information as required by the Board.
(d) Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven working days when requested by mail or in person shall be a violation of this section.
(e) Records retained pursuant to this section shall be easily accessible for inspection by authorized agents of the Board during reasonable business hours.
(f) Commercial and non-commercial applicators shall maintain records retained pursuant to this section at their principle place of business. A commercial or non-commercial applicator's principle place of business shall not be located in a closed gated community or at a residence unless the applicator submits a plan of access to the principle place of business and that plan is approved by the Board.
35:30-17-25. Pesticide application by certified applicators, service technicians, and private applicators
(a) A certified applicator shall be on site to use any pesticide when required by the label or labeling.
(b) A certified applicator shall be on site to supervise any pesticide application by a non-service technician.
(c) A service technician shall be on site to make the actual application of any pesticide unless a certified applicator is present at the job site.
(d) A certified applicator may be a service technician in other categories for a licensed company without completing the service technician's examination.
(e) Certified applicators, service technicians, and private applicators shall be a minimum of eighteen (18) years of age to make pesticide applications.
(f) "Noncertified applicator" means a person who has not met the exam qualifications of a certified applicator.
(g) "Nonservice technician" means a person who has not met the exam qualifications of a service technician.

PART 21. STANDARDS FOR DISPOSAL OF PESTICIDE AND PESTICIDE CONTAINERS

35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations
(a) The Labeling Requirements for Pesticides and Devices, Container Labeling and Pesticide Management and Disposal regulations found in Title 40 of the Code of Federal Regulations (CFR) (2020 2021 Revision), Part 156.140 et seq. and Part 165 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety.
(b) All words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

SUBCHAPTER 24. OKLAHOMA INDUSTRIAL HEMP PROGRAM

35:30-24-11.1. Allowable testing thresholds
(a) Hemp and processed hemp shall meet the allowable laboratory testing thresholds for medical marijuana and medical marijuana products established by the Oklahoma State Department of Health at 310:681-8-1 and Appendix A.
(b) Processors shall not process, sell, or otherwise transfer any hemp products from any hemp production batch unless samples of the production batch have passed all tests in accordance with this section.

35:30-24-11.2. Cannabinoid hemp processing
Cannabinoid hemp processors shall not use synthetic cannabinoids, or Delta8-tetrahydrocannabinol or Delta10-tetrahydrocannabinol created through isomerization, in the extraction or manufacturing of any cannabinoid hemp products.
35:30-24-12. Violations

(a) The Department may deny, suspend, or revoke a license or fine a licensee upon a finding by the Department that the licensee has violated the provisions of the Oklahoma Industrial Hemp Program and the rules of this subchapter.

(b) Violations committed by subcontractors or officials and employees thereof shall be considered violations of the licensee.

(c) The fine for violating the provisions of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall not exceed Ten Thousand Dollars ($10,000.00) per violation per day or occurrence.

(d) A violation of the provisions of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall be subject to enforcement in accordance with Title 2 O.S. §§ 3-401 et seq.

(e) A violation of the provisions of the Oklahoma Industrial Hemp Program and the rules of this subchapter may result in civil action.

(f) If the Department determines that a licensee has negligently violated the Oklahoma Industrial Hemp Program and the rules of this subchapter, the Department may issue a corrective action plan to the licensee.

(1) A corrective action plan shall include, but not be limited to:
   (A) A reasonable date by which the licensee shall correct the negligent violation, which may include destruction of hemp crops in accordance with the rules of this subchapter;
   (B) A requirement that the licensee shall periodically report to the Department on the compliance status of the licensee with the corrective action plan for a period of not less than two (2) years after the violation; and
   (C) Any reasonable steps the Department determines necessary to address each negligent violation.

(2) A licensee shall not have committed a negligent violation if the licensee has made reasonable efforts to grow hemp and the cannabis (marijuana) does not have a delta-9 tetrahydrocannabinol concentration of more than 1.0 percent on a dry weight basis.

(3) The Department shall monitor and conduct inspections as necessary to determine if the corrective action plan has been implemented as required.

(g) If the Department determines that a licensee has violated the Oklahoma Industrial Hemp Program and rules of this subchapter with a culpable mental state greater than negligence, the Department shall immediately report the licensee to the United States Attorney General and the Oklahoma Attorney General and the violations shall be subject to enforcement in accordance with applicable law.

(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct:

(1) Providing false, misleading, or incorrect information or otherwise engaging in fraud or deception to secure or retain a license;

(2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department;

(3) Failure to retain records required by this subchapter or produce such records at the request of the Department;

(4) Failure to be present or send a representative for a routine inspection;
(5) Interference with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections;
(6) Failure to timely pay any fee or invoice issued by the Department;
(7) Planting, growing, harvesting, storing, or processing the plant, Cannabis sativa L., in locations other than the cultivation site described in the application for license or amendments thereto;
(8) Commingling hemp plant material from one lot with hemp plant material from another lot;
(9) Refusal or failure to comply with orders of the Department or the rules of this subchapter requiring the destruction of hemp, Cannabis sativa L. plants, with a total delta-9 tetrahydrocannabinol concentration of exceeding three-tenths of one percent (0.3%) on a dry weight basis, or any plant parts thereof;
(10) Handling, processing, or selling non-compliant hemp which enters the stream of commerce;
(11) Failure to disclose different varieties of Cannabis sativa L. plants in a single growing area;
(12) Failure to follow transportation rules as provided within this subchapter; and
(13) Processing or handling hemp grown without a license.
(14) Processing cannabinoid hemp with synthetic cannabinoids, or Delta8-tetrahydrocannabinol or Delta10-tetrahydrocannabinol created through isomerization, in the extraction or manufacturing of any cannabinoid hemp products.

SUBCHAPTER 25. SEED

35:30-25-15. Schedule of seed program fees
(a) The annual license fee shall be Twenty Five Dollars ($25.00) for each retail seed dealer and One Hundred Dollars ($100.00) for each wholesale seed dealer, and One Hundred Dollars ($100.00) for each medical marijuana seed dealer. Each license shall expire on June 30 of each year.
(b) Wholesale seed dealers need only secure a single wholesale dealer's license to engage in both retail and wholesale sales.
(c) Failure to remit a retail or wholesale, or medical marijuana seed dealer license renewal application within thirty (30) days after the renewal date shall result in a penalty equal to the cost of an additional license.
(d) An A semi-annual inspection fee of eight cents ($0.08) per hundred pounds shall be paid by every person responsible for labeling and distributing seed to a retail seed licensee in Oklahoma, or each retail seed licensee who processes and sells seed to the consumer on which the inspection fee has not been paid.
   (1) The minimum semi-annual inspection fee shall be Ten Dollars ($10.00).
   (2) A semi-annual affidavit, stating the number of pounds of seed sold for the preceding six (6) months, shall be filed no later than the last day of January and July and the semi-annual inspection fee shall be paid upon filing of the affidavit.
(2)(3) Failure to submit the semi-annual statement affidavit and inspection fee on time shall result in an inspection fee penalty of ten percent (10%) of the amount due or Ten Dollars ($10.00), whichever is greater.

(e) If the State Board of Agriculture finds any deficient semi-annual inspection fees due as a result of an audit of the records of any person subject to the provisions of Sections 8-21 through 8-28 of Title 2 of the Oklahoma Statutes, the Board shall assess a penalty fee of ten percent (10%), not to exceed Two Thousand Dollars ($2,000.00) of the amount due, or One Hundred Dollars ($100.00), whichever is greater. The audit penalty shall be added to the deficient semi-annual inspection fees due and payment of the entire amount shall be made within thirty (30) calendar days of notice of the deficiency.

35:30-25-16. Marijuana seed
(a) Marijuana seed shall be sold to patient card holders at dispensaries licensed by the Oklahoma Medical Marijuana Authority (OMMA).
(b) Marijuana seed shall be sold by wholesale seed dealer licensees to dispensaries and growers licensed by the OMMA.
(c) All sales of marijuana seed shall comply with OMMA administrative rules relating to product sales.

SUBCHAPTER 29. FERTILIZER

PART 5. LICENSES AND COMPLAINTS

35:30-29-51. Fertilizer license and schedule of fertilizer fees
(a) Any person engaged in the distribution or sale of fertilizer shall obtain a license.
(b) The Board shall not issue a fertilizer license to any bulk dry, liquid, or anhydrous ammonia facility unless the following are approved by the Board:
   (1) Completed fertilizer license application;
   (2) A completed fertilizer facility application package submitted in a format approved by the Board;
   (3) Site inspection performed by the Board prior to construction;
   (4) Final construction of the facility; and
   (5) Completion of all other conditions required by the Board.
(c) The Board shall not issue and may revoke any fertilizer registration if the Board determines:
   (1) The nutrient value of the product or substance has inadequate plant food content; or
   (2) The registration is for the primary purpose of disposal of the product or substance.
(d) Fertilizer license renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal and in addition to the cost of the license.
(e) Fertilizer registration renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal and in addition to the cost of the registration.
(f) Fees for the fertilizer program shall be as follows:
   (1) The annual fee for persons operating a business engaged in the distribution or sale of a fertilizer shall be Fifty Dollars ($50.00) and expire on December 31 of each year.
(2) An inspection fee of one dollar ($1.00) per ton of which fifty cents ($0.50) per ton shall be forwarded directly to a special Soil Fertility Research Account in the Department of Plant and Soil Sciences of the Division of Agricultural Sciences and Natural Resources at Oklahoma State University for the purpose of conducting soil fertility research and extension involving efficient fertilizer use for agronomic crops and forages and groundwater and surface water protection from plant food nutrients. Oklahoma State University shall present an annual report to the Agriculture Committees of the Legislature on the use of the special Soil Fertility Research Account Fund.

(3) Each registrant distributing fertilizer in this state shall file with the Board not later than the last day of January and July of each year, a semiannual statement under oath, setting forth the number of net tons of fertilizer distributed during the preceding six (6) calendar months. The inspection fee and tonnage report shall be due within thirty (30) days following the close of the filing period and upon return of the statement the licensee shall pay the inspection fee. If no fertilizer was sold or distributed in this state for the semiannual period, the registrant shall submit a statement reflecting that information and shall remit a minimum fee of ten dollars ($10.00). If the inspection fee and tonnage report is not filed and the payment of inspection fee is not made within thirty (30) days after the end of the specified filing period, a collection fee of ten percent (10%) of the inspection fee due or a minimum of ten dollars ($10.00), shall be assessed and added to the amount due.

(4) If the Board finds any deficient inspection fees due as a result of an audit of the records of any person subject to the provisions of the Oklahoma Fertilizer Act, the Board shall assess a penalty fee of ten percent (10%) of the amount due, with a maximum not to exceed two thousand dollars ($2,000.00) or a minimum of one hundred dollars ($100.00) whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment shall be made within thirty (30) days of notice of the deficiency.

(5) Annual registrations for specialty fertilizer products sold in packages of less than thirty (30) pounds shall pay a one hundred dollar ($100.00) registration fee for each product. Specialty fertilizer product registrations shall expire on June 30 of each year. Specialty fertilizer registration renewal applications received thirty (30) or more days after the renewal date shall result in the Board charging a penalty equal and in addition to the cost of the registration. The penalty for failure to register any specialty fertilizer product shall be one hundred dollars ($100.00) per product and shall be added to the registration fee and payment shall be made within thirty (30) days after receipt of notice.

SUBCHAPTER 37. NURSERY STOCK SALES

35:30-37-13 Prohibited sale of noxious weeds

Plants listed on the Federal Noxious Weed List are prohibited from sale or distribution in Oklahoma. This shall include sterile varieties of Imperata cylindrica.