_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: “AN ACT CREATING LAWS RELATED TO PESTICIDE WARNING LABELS; ESTABLISHING LIABILITY RESPONSIBILITY FOR A MANUFACTURER, MARKETER, DEALER, DISTRIBUTOR, RETAILER, OR SELLER OF A PESTICIDE; AND PROVIDING AN APPLICABILITY DATE.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Liability of pesticide supply chain entity.** (1) A manufacturer, marketer, dealer, distributor, retailer, or seller of a pesticide has a duty to warn a consumer, an applicator, and the public about the risks associated with a pesticide.

(2) A manufacturer, marketer, dealer, distributor, retailer, or seller with a duty to warn under subsection (1), or a common law duty to warn, satisfies the requirement of this section to warn under all theories of liability if:

(a) at the time of sale, the pesticide bears a label approved by the United States environmental protection agency under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq.; and

(b) the pesticide is registered with the United States environmental protection agency and the department of agriculture as provided in Title 80, chapter 8, part 2.

(3) Liability may not attach and a cause of action may not arise for failing to warn about the risks associated with a pesticide unless the manufacturer, marketer, dealer, distributor, retailer, or seller to warn under subsection (1) fails to satisfy the provisions of subsection (2).

(4) As used in this section, the terms "applicator", "label", "pesticide", and "retailer" have the same meanings as provided in 80-8-102.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

NEW SECTION. **Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 4. Applicability.** [This act] applies to causes of action that arise on or after [the effective date of this act].

- END -