

217B.040 Definitions for chapter.

For the purposes of this chapter, unless the context requires otherwise:

- (1) "Applicant" means a person applying for a license or registration under this chapter;
- (2) "Branch office" means any location of a dealer other than its designated principal place of business location, but does not include on-premises and off-premises bulk storage or receiving warehouses used solely for the purpose of customer order filling;
- (3) "Dealer" means any person that engages in the storage of bulk fertilizer or a restricted use pesticide for the purpose of redistribution or direct resale, or engages in the business of applying any pesticide to the lands of another. A "dealer" does not include a manufacturer of a fertilizer or a restricted use pesticide who distributes his or her product solely to a dealer;
- (4) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission;
- (5) "Department" means the Kentucky Department of Agriculture;
- (6) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues;
- (7) "Direct supervision" means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified operator or certified applicator who is responsible for the actions of that person and who is available if and when needed, even though such certified operator or certified applicator is not physically present at the time and place the pesticide is applied;
- (8) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment, or receive, and, having received, deliver or offer to deliver any pesticides in this state excepting internal distribution within a company or organization;
- (9) "EPA" means the United States Environmental Protection Agency;
- (10) "Equipment" means any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in the land, but shall not include any pressurized hand-sized household device used to apply any pesticide;
- (11) "Fertilizer" means any substance containing one (1) or more recognized plant nutrients, which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and other products exempted by administrative regulation;
- (12) "Fungi" means all nonchlorophyll-bearing thallophytes, that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts, as for example, rusts, smuts, mildews, molds, yeasts, bacteria, and viruses, except those on or in living humans or other living animals, and except those in or on processed food, beverages, or pharmaceuticals;

- (13) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six (6) legged, usually winged forms, as for example, beetles, bugs, bees, wasps, and flies, and includes other allied classes of arthropods whose members are wingless and usually have more than six (6) legs, as for example, spiders, mites, ticks, centipedes, and wood lice, and also nematodes and other worms, and any other invertebrates which are destructive, constitute a liability, and may be classed as pests;
- (14) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or to any of its containers or wrappers;
- (15) "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, devices, and contrivances and machinery appurtenant to or situated on them, fixed or mobile, including any used for transportation;
- (16) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (17) "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts, and may also be called nemas or eelworms;
- (18) "Noncommercial applicator" means any licensed individual making applications of pesticides to lands owned, occupied, or managed by his or her employer;
- (19) "Noncommercial license" means a license that is issued by the department for noncommercial use, and shall be valid only when an individual is making applications of pesticides to lands owned, occupied, or managed by his or her employer;
- (20) "Person" means any individual, partnership, association, or any organized group of persons, whether incorporated or not;
- (21) "Pest" means:
 - (a) Any insect, snail, slug, rodent, nematode, fungus, or weed; or
 - (b) Any other form of plant or animal life, or virus, bacteria, or other microorganism, except viruses, bacteria, or other microorganisms on or in living humans or other living animals, which is normally considered to be a pest, or which the department declares to be a pest;
- (22) "Pesticide" means:
 - (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, attract, or mitigate any pest;
 - (b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; or
 - (c) Any substance or mixture of substances intended to be used as a spray adjuvant, once they have been mixed with an EPA-registered product;
- (23) "Pesticide applicator" means any individual employed or supervised by a pesticide operator to apply pesticides. The term does not include trainees;

- (24) "Pesticide operator" means any individual who owns or manages a pesticide application business that is engaged in the business of applying pesticides upon the lands of another;
- (25) "Pesticide sales agent" means an individual who is employed by a dealer and supervises the sale or distribution of restricted use pesticides to the final user;
- (26) "Plant regulator" means any substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of plants, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments;
- (27) "Restricted use pesticide" means any pesticide classified for restricted use by the administrator of the EPA, or by administrative regulation of the department;
- (28) "Snails or slugs" include all harmful mollusks;
- (29) "Spray adjuvant" means any wetting agent, spreading agent, sticker, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent intended to be used with any other pesticide as an aid to the application or to the effect of it, and which is in a package or container separate from that of the other pesticide with which it is to be used;
- (30) "Trainee" means an individual who has been employed by a dealer and is working under the direct supervision of a licensed operator or applicator;
- (31) "Weed" means any plant which grows where not wanted; and
- (32) "Wildlife" means all living things that are neither human, domesticated, nor, as defined in this chapter, pests, including but not limited to mammals, birds, and aquatic life.

Effective: June 29, 2021

History: Repealed and reenacted 2021 Ky. Acts ch. 84, sec. 1, effective June 29, 2021. -- Amended 2017 Ky. Acts ch. 129, sec. 13, effective June 29, 2017. -- Amended 2000 Ky. Acts ch. 172, sec. 1, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 171, sec. 3, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 250, sec. 1, effective July 14, 1992. -- Amended 1974 Ky. Acts ch. 148, sec. 3. -- Created 1972 Ky. Acts ch. 130, sec. 4.