**** 69th Legislature 2025

1	HOUSE BILL NO. 522
2	INTRODUCED BY J. SCHILLINGER, B. GILLESPIE, J. KASSMIER, R. MINER, B. USHER, B. MITCHELL
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4	A BILL FOR AN ACT ENTITLED: "AN ACT CREATING LAWS RELATED TO PESTICIDE WARNING LABELS;
5	ESTABLISHING LIABILITY RESPONSIBILITY FOR A MANUFACTURER, MARKETER, DEALER,
6	DISTRIBUTOR, RETAILER, OR SELLER OF A PESTICIDE; AND PROVIDING AN APPLICABILITY DATE."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	NEW SECTION. Section 1. Liability of pesticide supply chain entity. (1) A manufacturer,
11	marketer, dealer, distributor, retailer, or seller of a pesticide has a duty to warn a consumer, an applicator, and
12	the public about the risks associated with a pesticide.
13	(2) A manufacturer, marketer, dealer, distributor, retailer, or seller with a duty to warn under
14	subsection (1), or a common law duty to warn, satisfies the requirement of this section to warn under all
15	theories of liability if:
16	(a) at the time of sale, the pesticide bears a label approved by the United States environmental
17	protection agency under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq.; and
18	(b) the pesticide is registered with the United States environmental protection agency and the
19	department of agriculture as provided in Title 80, chapter 8, part 2.
20	(3) Liability may not attach and a cause of action may not arise for failing to warn about the risks
21	associated with a pesticide unless the manufacturer, marketer, dealer, distributor, retailer, or seller to warn
22	under subsection (1) fails to satisfy the provisions of subsection (2).
23	(4) As used in this section, the terms "applicator", "label", "pesticide", and "retailer" have the same
24	meanings as provided in 80-8-102.
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26	NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
27	integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].
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1	NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are
2	severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
3	the part remains in effect in all valid applications that are severable from the invalid applications.
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5	NEW SECTION. Section 4. Applicability. [This act] applies to causes of action that arise on or after
6	[the effective date of this act].
7	- END -