

AGRICULTURE REGULATION PREEMPTION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill provides that state regulation of commercial feed, fertilizer, pesticides, and seeds preempts local regulation.

Highlighted Provisions:

This bill:

▸ states that the Department of Agriculture and Food, subject to relevant federal law, has exclusive jurisdiction to regulate commercial feed, fertilizer, pesticides, and seeds in the state;

▸ states that the regulation of commercial feed, fertilizer, pesticides, and seeds is of statewide concern and state code occupies the whole field of potential regulation;

and

▸ states that ~~§~~, **subject to an exemption**, ~~§~~ a political subdivision of the state is prohibited from regulating commercial feed, fertilizer, pesticides, or seeds, and local ordinances that seek to regulate commercial feed, fertilizer, pesticides, or seeds are void.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



28 **4-2-16**, Utah Code Annotated 1953

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **4-2-16** is enacted to read:

32 **4-2-16. Preemption.**

- 33 (1) Subject to ~~H~~ **concurrency with** ~~H~~ relevant federal laws ~~S~~ **and except as**
- 33a1 **provided in Subsection (4)** ~~S~~, the department has
- 33a exclusive jurisdiction over
- 34 regulation regarding:
- 35 (a) commercial feed, as described in Chapter 12, Utah Commercial Feed Act;
- 36 (b) fertilizer, as described in Chapter 13, Utah Fertilizer Act;
- 37 (c) pesticides, as described in Chapter 14, Utah Pesticide Control Act; and
- 38 (d) seeds, as described in Chapter 16, Utah Seed Act.
- 39 (2) The regulation of commercial feed, fertilizer, pesticides, and seeds within the state
- 40 ~~S~~ **[are] is** ~~S~~ of statewide concern and ~~S~~, **except as provided in Subsection (4),** ~~S~~ this title
- 40a occupies the whole field of potential regulation.
- 41 (3) ~~S~~ **[A] Except as provided in Subsection (4), a** ~~S~~ political subdivision of the state is
- 41a prohibited from regulating commercial feed,
- 42 fertilizer, pesticides, and seeds, and local ordinances, resolutions, amendments, regulations, or
- 43 laws that seek to do so are void.
- 44 (4) Nothing in this section preempts or otherwise limits the authority of a political
- 45 subdivision to ~~S~~ **:**
- 45a (a) ~~S~~ adopt and enforce zoning regulations, fire codes, building codes, or waste
- 46 disposal restrictions ~~S~~ **[:] ; or**
- 46a (b) in consultation with the department, enforce, maintain, amend, or otherwise
- 46b continue to implement a regulation created on or before January 1, 2017 related to the use of
- 46c pesticides and fertilizers in ~~S~~ **[a] surface water and groundwater** ~~S~~ source water
- 46d protection ~~S~~ **[zone] areas** ~~S~~ . ~~S~~

Legislative Review Note
Office of Legislative Research and General Counsel