

# H.B. 280

## AGRICULTURE REGULATION PREEMPTION AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 3

MARCH 6, 2017 2:48 PM

Senator **Evan J. Vickers** proposes the following amendments:

1. *Page 1, Lines 16 through 21:*

16           ▶       states that the regulation of commercial feed, fertilizer, pesticides, and seeds is of  
17 statewide concern and state code occupies the whole field of potential regulation;  
18 and  
19           ▶       states that **, subject to an exemption,** a political subdivision of the state is prohibited from  
              regulating  
20 commercial feed, fertilizer, pesticides, or seeds, and local ordinances that seek to  
21 regulate commercial feed, fertilizer, pesticides, or seeds are void.

2. *Page 2, Lines 32 through 46*

*a. House Committee Amendments*

*b. 2-16-2017:*

32           4-2-16. Preemption.

33           (1) Subject to ~~it~~ concurrence with ~~the~~ relevant federal laws **and except as provided in**  
**Subsection (4)**, 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 ~~{are}~~ **is** of statewide concern and **, except as provided in Subsection (4),** this title occupies the  
whole field of potential regulation.

41           (3) ~~{A}~~ **Except as provided in Subsection (4), a** political subdivision of the state is  
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 :

(a) adopt and enforce zoning regulations, fire codes, building codes, or waste

46 disposal restrictions ~~{-}~~ **; or**

**(b) in consultation with the department, enforce, maintain, amend, or otherwise continue to implement a regulation created on or before January 1, 2017 related to the use of pesticides and fertilizers in a source water protection zone.**