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	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
i	seeds in the state;
	• states that the regulation of commercial feed, fertilizer, pesticides, and seeds is of
5	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:
	4-2-16, Utah Code Annotated 1953

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