

<https://www.alec.org/model-policy/state-pesticide-preemption-act/>



STATE PESTICIDE PREEMPTION ACT

Model Legislation

Section 1. {Short Title.} This Act shall be known and may be cited as the State Pesticide Preemption Act.

Section 2. {Legislative findings and declarations.} The legislature finds and declares that:

(A) The citizens of this state benefit from a system of safe, effective and scientifically sound pesticide regulation.

(B) A system of pesticide regulation which is consistent, coordinated, and comports with both Federal and state technical expertise, is essential to the public health, safety and welfare, and that local regulation of pesticides does not materially assist in achieving these benefits.

Section 3. {Definition.} The following words and phrases when used in this act shall have the meaning given to them in this section unless the context clearly indicates otherwise.

(A) "Pesticide." The term "pesticide" means (1) any substance or mixture of substance intended for preventing, destroying, repelling, or mitigating any pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, except that the term "pesticide" shall not include any article that is a "new animal drug" within the meaning of section 321(w) of Title 21 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing

conditions of use for the article, or that an animal feed within the meaning of section 321(x) of Title 21 (FIFRA) bearing or containing a new animal drug.

Section 4. {State Preemption.} No city, town, county, or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation or statute regarding pesticide sale or use, including without limitation: registration, notification of use, advertising and marketing, distribution, applicator training and certification, storage, transportation, disposal, disclosure of confidential information, or product composition.

Section 4. {Severability clause.}

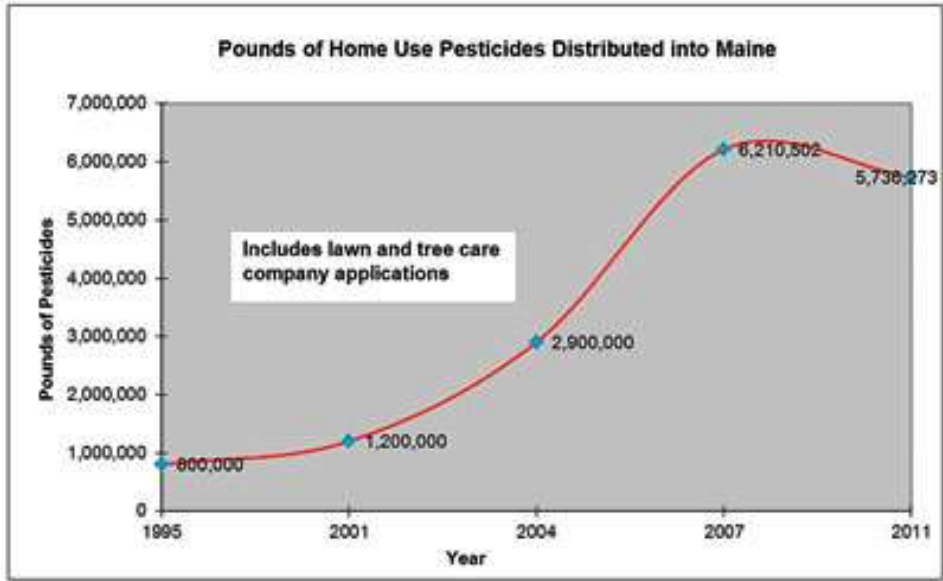
Section 5. {Repealer clause.}

Section 6. {Effective date.}

Approved by ALEC Board of Directors in 1995.

Reapproved by ALEC Board of Directors on January 28, 2013.

BPC Graph showing the rise in Pesticides Distribution:



Beyond Pesticides Map of State Preemption Laws

