Regulating Selling, Storing or Distributing Seeds: Preempting Local Control

The production of seed crops has been, and is still today, a vital part of agriculture. Currently, some political subdivisions below the state level have been considering regulating the planting, sale, storage or distribution of varieties of seed. Such regulations conflict with existing state and federal law and are often not based on the principles of good science. This legislation makes clear that the regulation of seed will be done by the state to ensure consistency statewide. The regulation does not interfere with local zoning ordinances on the location of seed handling facilities.

Submitted as:
Idaho
HB 401
Status: Enacted into law in 2005.

Suggested State Legislation

1   Section 1. [*Short Title.*] This Act may be cited as "An Act to Preempt Political
2 Subdivisions from Regulating Selling, Storing or Distributing Seeds."
3
4   Section 2. [*Statewide Jurisdiction and Preemption.*]
5   (1) This Act and its provisions are of statewide concern and occupy the whole field of
6 regulation regarding the registration, labeling, sale, storage, transportation, distribution,
7 notification of use, use of seeds, and planting of seeds to the exclusion of all local ordinances or
8 regulations.
9   (2) Except as otherwise specifically provided in this Act, no ordinance or regulation of
10 any political subdivision may prohibit or in any way attempt to regulate any matter relating to the
11 registration, labeling, sale, storage, transportation, distribution, notification of use, use of seeds,
12 or planting of seeds.
13   (3) The provisions of subsection (2) of this section shall not preempt county or city local
14 zoning ordinances governing the physical location or siting of seed facilities.
15
16   Section 3. [*Severability.*] [Insert severability clause.]
17
18   Section 4. [*Repealer.*] [Insert repealer clause.]
19
20   Section 5. [*Effective Date.*] [Insert effective date.]