

Senate File 2392 - Introduced

SENATE FILE 2392
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3163)

A BILL FOR

- 1 An Act relating to tort liability involving pesticides.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 668.12, Code 2024, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. Notwithstanding any provision to the
4 contrary, for any pesticide registered with the United States
5 environmental protection agency under the federal Insecticide,
6 Fungicide, and Rodenticide Act, 7 U.S.C. §136 et seq., the
7 label approved by the United States environmental protection
8 agency in registering the pesticide, or a label consistent with
9 the most recent human health assessment performed under the
10 federal Insecticide, Fungicide, and Rodenticide Act, or a label
11 consistent with the United States environmental protection
12 agency carcinogenicity classification for the pesticide
13 under the federal Insecticide, Fungicide, and Rodenticide
14 Act, shall be sufficient to satisfy any requirements for a
15 warning regarding health or safety under chapter 206, any
16 other provision or doctrine of state law, including without
17 limitation the duty to warn, or any other common law duty to
18 warn.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill provides for a defense from civil liability
23 associated with the use of pesticides that are registered with
24 the United States environmental protection agency (EPA) acting
25 under the federal Insecticide, Fungicide, and Rodenticide
26 Act (federal Act). The bill provides that a label provides
27 sufficient warning if it complies with any one of three
28 criteria: (1) it was approved by the EPA, (2) it is consistent
29 with the most recent human health assessment performed under
30 the federal Act, or (3) it is consistent with the EPA's
31 carcinogenicity classification for the pesticide. In each
32 case, the label is sufficient to satisfy any requirements for
33 a warning regarding health or safety under Code chapter 206
34 ("Pesticide Act of Iowa"), and any other provision of state law
35 or any other common law duty to warn.