

Senate Study Bill 3188 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON KRAAYENBRINK)

A BILL FOR

1 An Act relating to pesticides, by providing for tort liability.
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. This subsection does not apply to any product made by a
19 People's Republic of China state-owned enterprise.

20 EXPLANATION

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

23 GENERAL. This bill provides for the use of certain
24 pesticides regulated by the United States environmental
25 protection agency (EPA) under the federal Insecticide,
26 Fungicide, and Rodenticide Act (federal Act) and the "Pesticide
27 Act of Iowa" administered by the department of agriculture and
28 land stewardship under Code chapter 206 (state Act).

29 PESTICIDE LABELING. The bill provides for a defense from
30 civil liability associated with the use of pesticides that are
31 registered with the EPA acting under the federal Act. The
32 bill provides that a label provides sufficient warning if it
33 complies with any one of three criteria: (1) it was approved
34 by the EPA, (2) it is consistent with the most recent human
35 health assessment performed under the federal Act, or (3) it

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1 is consistent with the EPA's carcinogenicity classification
2 for the pesticide. In each case, the label is sufficient to
3 satisfy any requirements for a warning regarding health or
4 safety under the state Act, and any other provision of state
5 law or any other common law duty to warn. However, this
6 provision of the bill does not apply to a product made by a
7 Chinese state-owned enterprise.