

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives Beatty, Baker, Northcutt, McGinnis, Mahony, Horn, Wagner,**
5 **Hogue, Davis, Hawkins, Watts, Fairchild, Schexnayder, Calhoun, Cash and Hill**

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT COUNTIES, MUNICIPALITIES AND OTHER
9 POLITICAL SUBDIVISIONS OF THE STATE SHALL NOT ADOPT OR
10 CONTINUE IN EFFECT ANY ORDINANCE OR REGULATION RELATING TO
11 LABELING, SELLING, TRANSPORTING, USE OR DISPOSAL OF
12 PESTICIDES; AND FOR OTHER PURPOSES."

Subtitle

14 "TO LIMIT THE AUTHORITY OF COUNTIES AND CITIES TO ADOPT OR
15 ENFORCE ORDINANCES RELATING TO LABELING, HANDLING, USE AND
16 DISPOSAL OF PESTICIDES."

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Subchapter 2 of Chapter 20 of Title 20 of the Arkansas Code
22 of 1987 is amended by adding a new section at the end to read as follows:

23 "20-20-226. State Preemption.

24 Except as otherwise authorized in this subchapter, no city, county or
25 other political subdivision of the state shall adopt or continue in effect any
26 ordinance, rule, or regulation regarding the registration, labeling,
27 distribution, sale, handling, use, application, transportation or disposal of
28 pesticides."

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30 SECTION 2. All provisions of this act of a general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 3. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 SECTION 5. EMERGENCY. It is hereby found and determined by the General
9 Assembly that present state law regulating the labeling, sale, transportation,
10 use and disposal of pesticides may not preempt local regulation relating to
11 pesticides; that local regulation could create serious confusion and problems;
12 that this act is designed to prohibit local regulation of the labeling, sale,
13 transportation, use and disposal of pesticides except to the extent
14 specifically authorized by state law and should be given effect as soon as
15 possible. Therefore, an emergency is hereby declared to exist and this act
16 being necessary for the preservation of the public peace, health and safety
17 shall be in full force and effect from and after its passage and approval.

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