

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 653

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PESTICIDES; AMENDING CHAPTER 34, TITLE 22, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 22-3427, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
3 GARDING WARNING LABELS; AMENDING CHAPTER 6, TITLE 48, IDAHO CODE, BY THE
4 ADDITION OF A NEW SECTION 48-620, IDAHO CODE, TO ESTABLISH PROVISIONS
5 REGARDING WARNING LABELS; AND DECLARING AN EMERGENCY AND PROVIDING AN
6 EFFECTIVE DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 34, Title 22, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 22-3427, Idaho Code, and to read as follows:

12 22-3427. WARNING LABELS. Notwithstanding any other provision of law
13 or regulation to the contrary, for any pesticide registered by the United
14 States environmental protection agency under the federal insecticide,
15 fungicide, and rodenticide act (FIFRA), the label approved by the United
16 States environmental protection agency in registering the pesticide con-
17 sistent with United States environmental protection agency carcinogenicity
18 classification for the pesticide under FIFRA shall create a rebuttable pre-
19 sumption that there was an adequate warning regarding health or safety and
20 any relevant provision or doctrine of state law, including without limita-
21 tion state tort law or relevant common law. The presumption may be rebutted
22 by clear and convincing evidence that the warning was inadequate to protect
23 the public from unreasonable risks of injury or damage or that the warning
24 was procured by fraudulent conduct.

25 SECTION 2. That Chapter 6, Title 48, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 48-620, Idaho Code, and to read as follows:

28 48-620. WARNING LABELS. Notwithstanding any other provision of law
29 or regulation to the contrary, for any pesticide registered by the United
30 States environmental protection agency under the federal insecticide,
31 fungicide, and rodenticide act (FIFRA), the label approved by the United
32 States environmental protection agency in registering the pesticide con-
33 sistent with United States environmental protection agency carcinogenicity
34 classification for the pesticide under FIFRA shall create a rebuttable pre-
35 sumption that there was an adequate warning regarding health or safety and
36 any relevant provision or doctrine of state law, including without limita-
37 tion state tort law or relevant common law. The presumption may be rebutted
38 by clear and convincing evidence that the warning was inadequate to protect
39 the public from unreasonable risks of injury or damage or that the warning
40 was procured by fraudulent conduct.

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2024.