

IN THE SENATE

SENATE BILL NO. 1432

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PESTICIDES; AMENDING CHAPTER 34, TITLE 22, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 22-3427, IDAHO CODE, TO ESTABLISH PROVISIONS
3 REGARDING WARNING LABELS; AMENDING CHAPTER 6, TITLE 48, IDAHO CODE, BY
4 THE ADDITION OF A NEW SECTION 48-620, IDAHO CODE, TO ESTABLISH PROVI-
5 SIONS REGARDING WARNING LABELS; PROVIDING A SUNSET DATE; AND DECLARING
6 AN EMERGENCY AND PROVIDING AN 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, as such classification ex-
19 isted on July 1, 2024, shall create a rebuttable presumption that there was
20 an adequate warning regarding health or safety and any relevant provision
21 or doctrine of state law, including without limitation state tort law or
22 relevant common law. The presumption may be rebutted by clear and convinc-
23 ing evidence that the warning was inadequate to protect the public from
24 unreasonable risks of injury or damage or that the warning was procured by
25 fraudulent conduct.

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

29 48-620. WARNING LABELS. Notwithstanding any other provision of law
30 or regulation to the contrary, for any pesticide registered by the United
31 States environmental protection agency under the federal insecticide,
32 fungicide, and rodenticide act (FIFRA), the label approved by the United
33 States environmental protection agency in registering the pesticide con-
34 sistent with United States environmental protection agency carcinogenicity
35 classification for the pesticide under FIFRA, as such classification ex-
36 isted on July 1, 2024, shall create a rebuttable presumption that there was
37 an adequate warning regarding health or safety and any relevant provision
38 or doctrine of state law, including without limitation state tort law or
39 relevant common law. The presumption may be rebutted by clear and convinc-
40 ing evidence that the warning was inadequate to protect the public from

1 unreasonable risks of injury or damage or that the warning was procured by
2 fraudulent conduct.

3 SECTION 3. The provisions of Sections 1 and 2 of this act shall be null,
4 void, and of no force and effect on and after June 30, 2027.

5 SECTION 4. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after
7 July 1, 2024.