



STATE INNOVATION EXCHANGE  
AGRICULTURE & FOOD SYSTEMS

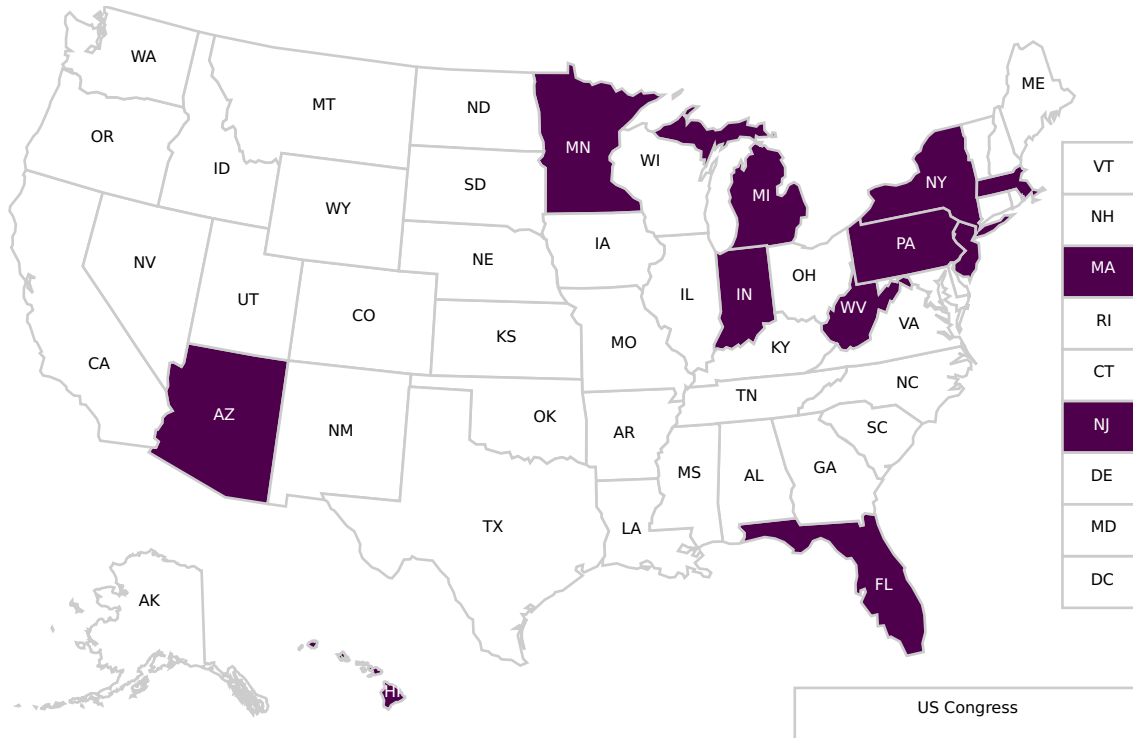
# 3/29 SiX Agriculture & Food Systems Legislative Update (RTF & Preemption)

Last Updated: March 29, 2021

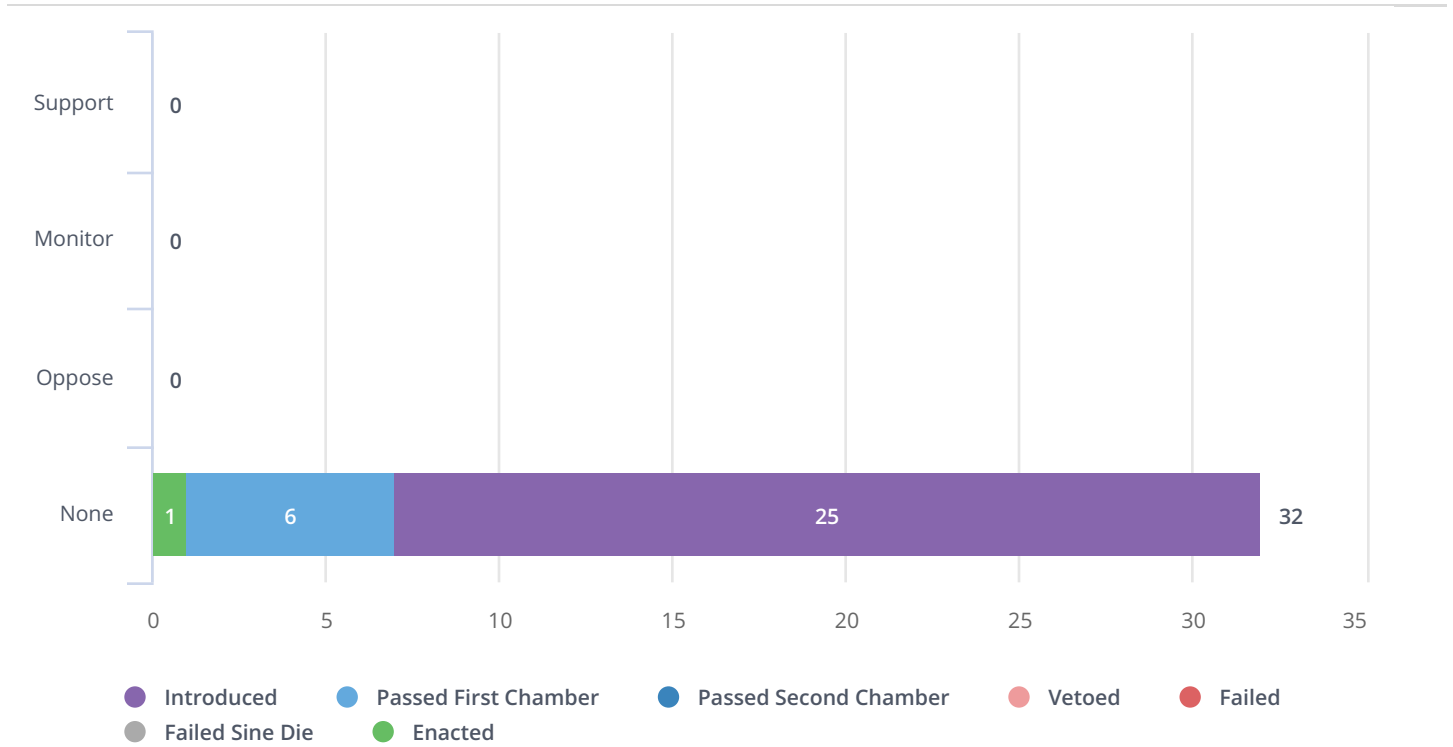
## Right to Farm & Pre-emption Bills

These are current Right to Farm and Preemption bills that are in state legislatures.

### Bills by State



## Bills by Last Status and Position



## Bills by Issue

### 2021 Ag/Rural Preemption (32)

State <b>AZ</b>	Bill Number <b>HB 2372</b>	Last Action <b>Cow Action 2021 02 23</b>	Status <b>In House</b>	FN Outlook 61.1% 75.3%
<b>Title</b> Agricultural operations; nuisance; liability		<b>Introduction Date:</b> 2021-01-20		
<b>Primary Sponsors</b> Tim Dunn				
State <b>AZ</b>	Bill Number <b>SB 1224</b>	Last Action <b>Senate Republican Caucus Yes 2021 03 02</b>	Status <b>In Senate</b>	FN Outlook 69.9% 75.1%
<b>Title</b> Agricultural operations; nuisance liability.		<b>Introduction Date:</b> 2021-01-20		
<b>Primary Sponsors</b> Sine Kerr				

State	Bill Number	Last Action	Status	FN Outlook
AZ	SB 1448	House Minority Caucus Yes 2021 03 23	In House	84.1% 78.5%

**Title**  
Arizona department of agriculture; continuation.

**Last Team Action:** Last edited by Kendra Kimbirauskas at Mar 25, 2021, 9:07 PM  
Other with Kendra Kimbirauskas.

**Primary Sponsors**  
Sine Kerr

**Introduction Date:** 2021-01-27

State	Bill Number	Last Action	Status	FN Outlook
FL	HB 1601	Added To Environment Agriculture Flooding Subcommittee Agenda 2021 03 26	In House	8.4% 89.6%

**Title**  
Farming Operations

**Introduction Date:** 2021-03-02

**Description**

Prohibits farms from being held liable for certain claims for tort liability; provides a burden of proof; prohibits nuisance actions from being filed against farm operations unless specified conditions are met; provides requirements for and limitations on damages; provides that plaintiffs who bring nuisance actions against farm operations are liable for certain costs and expenses.

**Primary Sponsors**  
Jayer Williamson, Subcommittee on Civil Justice and Property Rights

State	Bill Number	Last Action	Status	FN Outlook
FL	SB 88	In Messages 2021 03 25	In House	79.4% 80.6%

**Title**  
Farming Operations

**Introduction Date:** 2021-01-25

**Description**

Prohibiting farms from being held liable for nuisance except under certain circumstances; providing a burden of proof; prohibiting nuisance actions from being filed against farm operations unless specified conditions are met; providing requirements for and limitations on damages; providing that plaintiffs who bring nuisance actions against farm operations are liable for certain costs and expenses under certain conditions, etc.

**Primary Sponsors**  
Jason Brodeur, Environment, Senate Committee on Rules, Senate Committee on Environment and Natural Resources, Senate Committee on Judiciary

State	Bill Number	Last Action	Status
HI	HB 1356	The Committee S On Jha Recommend S That The Measure Be Deferred 2021 02 11	In House

FN Outlook
79.9% 69.5%

**Title** Introduction Date: 2021-01-27  
Relating To Agriculture.

**Description**

Clarifies that "customary and traditional subsistence farming", which is customary and traditional subsistence farming conducted by a native Hawaiian cultural practitioner in certain situations, is included as a protected activity under the Hawaii Right to Farm Act. Clarifies that the cultivation of crops and activities related to game, fish, and livestock on agricultural lands may be for economic use or customary and traditional subsistence farming. Provides that one of the State's policies under the Hawaii State Planning Act's agricultural objectives is to assure the right of native Hawaiian cultural practitioners to engage in customary and traditional subsistence farming for direct personal or family consumption. Effective 7/1/2060. (HD1)

**Primary Sponsors**

Cedric Gates, Patrick Branco, Stacelynn Eli, Daniel Holt, Greggor Ilagan, Dee Morikawa, Nadine Nakamura, Chris Todd

State	Bill Number	Last Action	Status
HI	SB 1410	Report Adopted Passed Second Reading As Amended Sd 1 And Referred To Jdc 2021 02 19	In Senate

FN Outlook
3.0% 76.4%

**Title** Introduction Date: 2021-01-27  
Relating To Agriculture.

**Description**

Clarifies that "traditional and customary subsistence farming", which is customary and traditional subsistence farming conducted by a native Hawaiian cultural practitioner for direct personal or family consumption. Provides that one of the State's policies under the Hawaii State Planning Act's socio-cultural advancement objectives is to assure the right of native Hawaiian cultural practitioners to engage in customary and traditional subsistence farming. Effective 7/1/2060. (SD1)

**Primary Sponsors**

Maile Shimabukuro, Stanley Chang, Kurt Fevella, Mike Gabbard

State	Bill Number	Last Action	Status	FN Outlook
IN	HB 1472	First Reading Referred To Committee On Agriculture And Rural Development 2021 01 14	In House	4.8% 72.6%

**Title** Introduction Date: 2021-01-14  
Right to farm.

**Description**  
Provides that an agricultural or industrial operation is negligent if the person or persons that own, operate, manage, or otherwise control the operation fail to use reasonable care in any of the following aspects relating to the operation: (1) Siting. (2) Design. (3) Construction. (4) Management. (5) Control. (6) Operation. (7) Change to the size or type of operation. Makes findings of the general assembly relating to agricultural operations.

**Primary Sponsors**  
Tom Saunders, Sue Errington

State	Bill Number	Last Action	Status	FN Outlook
IN	SJR 14	Senator Tomes Added As Third Author 2021 01 07	In Senate	97.4% 66.6%

**Title** Introduction Date: 2021-01-07  
Constitutional right to farm and ranch.

**Description**  
Provides that the Constitution of the State of Indiana guarantees the right of the people of Indiana to engage in diverse farming and ranching practices. Provides that the general assembly may not pass a law that unreasonably abridges the right of farmers and ranchers to employ or refuse to employ effective agricultural technology and livestock production and ranching practices. Provides that the new constitutional provision does not modify any: (1) provision of the common law; (2) statute relating to trespass or eminent domain; or (3) other property right, existing or previously enacted statute, or existing or previously adopted administrative rule.

**Primary Sponsors**  
Blake Doriot, Mark Messmer, Jim Tomes

State	Bill Number	Last Action	Status	FN Outlook
MA	HD 1394	None		64.4% 84.3%

**Title**  
An Act to create a petition for a new deal for foresters in the Commonwealth

**Primary Sponsors**  
Susannah Whipps

State	Bill Number	Last Action	Status	FN Outlook
MA	HD 1450	None		53.7% 84.3%

**Title**

An Act for a new forestry deal for Massachusetts forest landowners

**Primary Sponsors**

Susannah Whipps

State	Bill Number	Last Action	Status	FN Outlook
MI	HB 4460	Referred To Second Reading 2021 03 25	In House	22.5% 72.4%

**Title**

**Introduction Date:** 2021-03-09

Environmental protection: solid waste; materials utilization facilities; revise regulation of. Amends 1994 PA 451 (MCL 324.101 - 324.90106) by adding subpt. 10 to pt. 115. TIE BAR WITH: HB 4454'21, HB 4456'21, HB 4457'21, HB 4458'21, HB 4461'21

**Primary Sponsors**

Scott VanSingel

State	Bill Number	Last Action	Status	FN Outlook
MI	SB 42	Referred To Committee On Regulatory Reform 2021 01 26	In Senate	10.5% 69.3%

**Title**

**Introduction Date:** 2021-01-26

Construction: code; buildings used for agricultural tourism activities; exempt from code regulations. Amends sec. 10 of 1972 PA 230 (MCL 125.1510).

**Primary Sponsors**

Roger Victory

State	Bill Number	Last Action	Status	FN Outlook
MN	SF 566	Second Reading 2021 03 01	In Senate	2.4% 0.0%

**Title**

**Introduction Date:** 2021-02-04

Spreading manure restrictions repeal and future restrictions prohibition

**Primary Sponsors**

Bill Weber, Bill Ingebrigtsen, Rich Draheim

State	Bill Number	Last Action	Status	FN Outlook
NJ	A 591	Introduced Referred To Assembly Agriculture Committee 2020 01 14	In Assembly	4.5% 90.2%

**Title** Introduction Date: 2020-01-14

Allows commercial farmer to recover reasonable costs and attorney fees of defending against unreasonable complaints under "Right to Farm Act.

**Primary Sponsors**

John DiMaio, John Burzichelli, Vince Mazzeo

State	Bill Number	Last Action	Status	FN Outlook
NJ	A 1440	Introduced Referred To Assembly Environment And Solid Waste Committee 2020 01 14	In Assembly	2.9% 88.5%

**Title** Introduction Date: 2020-01-14

Repeals Highlands planning and environmental permitting provisions of "Highlands Water Protection and Planning Act," and amends various statutes to reflect repeal thereof.

**Primary Sponsors**

BettyLou DeCroce, Aura Dunn

State	Bill Number	Last Action	Status	FN Outlook
NJ	A 2768	Substituted By S 1245 1 R 2020 11 16	In Assembly	10.8% 92.7%

**Title** Introduction Date: 2020-02-13

Establishes housing of equine-related farm employees in facilities with horses under certain conditions as "Right to Farm" permissible activity; requires State Agriculture Development Committee agricultural management practice that permits such housing.

**Primary Sponsors**

Eric Houghtaling, Carol Murphy, Ron Dancer

State	Bill Number	Last Action	Status	FN Outlook
NJ	A 3066	Introduced Referred To Assembly Agriculture Committee 2020 02 20	In Assembly	11.8% 90.9%

**Title** Introduction Date: 2020-02-20

Authorizes award of reasonable costs and attorney fees to farmers prevailing in certain farm management disputes.

**Primary Sponsors**

Eric Houghtaling, Ron Dancer, Joann Downey

State	Bill Number	Last Action	Status	FN Outlook
NJ	A 3619	Reported Out Of Assembly Committee 2nd Reading 2021 02 22	In Assembly	7.1% 91.5%

**Title** Introduction Date: 2020-03-05

Allows commercial farmer to be awarded reasonable costs and attorney fees for defending against bad faith complaints under "Right to Farm Act".

**Primary Sponsors**

Eric Houghtaling, Ron Dancer

State	Bill Number	Last Action	Status	FN Outlook
NJ	A 5478	Reported Out Of Assembly Committee 2nd Reading 2021 03 17	In Assembly	44.1% 94.3%

**Title** Introduction Date: 2021-03-08

Authorizes special occasion events at certain farms on preserved farmland, under certain conditions.

**Primary Sponsors**

Vince Mazzeo, Roy Freiman, Ron Dancer, Carol Murphy, John Burzichelli

State	Bill Number	Last Action	Status	FN Outlook
NJ	ACR 117	Reported Out Of Assembly Committee 2nd Reading 2020 02 13	In Assembly	57.9% 91.8%

**Title** Introduction Date: 2020-02-03

Determines that State Agriculture Development Committee rule to implement pilot program allowing certain wineries to hold special events is inconsistent with legislative intent.

**Primary Sponsors**

Eric Houghtaling, Ron Dancer, Carol Murphy

State	Bill Number	Last Action	Status
NJ	S 1245	Approved P L 2020 C 154 2021 01 07	Enacted

**Title** Introduction Date: 2020-02-03

Establishes housing of equine-related farm employees in facilities with horses under certain conditions as "Right to Farm" permissible activity; requires State Agriculture Development Committee agricultural management practice that permits such housing.

**Primary Sponsors**

Vin Gopal, Nilsa Cruz-Perez, Eric Houghtaling, Carol Murphy, Ron Dancer



State	Bill Number	Last Action	Status	FN Outlook
NJ	S 1738	Introduced In The Senate Referred To Senate Economic Growth Committee 2020 02 13	In Senate	32.8% 89.3%

**Title** Introduction Date: 2020-02-13

Allows commercial farmer to recover reasonable costs and attorney fees of defending against unreasonable complaints under "Right to Farm Act.

**Primary Sponsors**

Steve Oroho, Dawn Addiego

State	Bill Number	Last Action	Status	FN Outlook
NJ	S 2714	Reported Out Of Assembly Comm With Amendments 2nd Reading 2021 03 17	In Assembly	9.1% 86.2%

**Title** Introduction Date: 2020-07-22

Authorizes special occasion events at certain farms on preserved farmland, under certain conditions.

**Primary Sponsors**

Paul Sarlo, Dawn Addiego

State	Bill Number	Last Action	Status	FN Outlook
NY	A 1889	Advanced To Third Reading Cal 197 2021 03 25	In Assembly	55.5% 68.5%

**Title** Introduction Date: 2021-01-11

Relates to agricultural custom operators

**Description**

Relates to agricultural custom operators.

**Primary Sponsors**

Donna Lupardo

State	Bill Number	Last Action	Status	FN Outlook
NY	S 2135	Referred To Agriculture 2021 03 04	In Assembly	69.4% 88.8%

**Title** Introduction Date: 2021-01-19

Relates to agricultural custom operators

**Description**

Relates to agricultural custom operators.

**Primary Sponsors**

Michelle Hinchey

State	Bill Number	Last Action	Status	FN Outlook
NY	S 3191	Referred To Agriculture 2021 01 28	In Senate	3.3% 58.2%

**Title** Introduction Date: 2021-01-28  
Relating to local laws restricting farming operations within an agricultural district

**Description**  
Provides that the use or storage of manure may not be deemed a public nuisance under local laws restricting farming operations within an agricultural district.

**Primary Sponsors**  
Rob Ortt

State	Bill Number	Last Action	Status	FN Outlook
PA	HB 101	Second Consideration 2021 03 24	In Senate	6.1% 72.7%

**Title** Introduction Date: 2021-01-27  
An Act providing for limited civil liability for agritourism activity providers, for notice of limited civil liability and for acknowledgment of limited civil liability.

**Primary Sponsors**  
Barb Gleim

State	Bill Number	Last Action	Status	FN Outlook
PA	HB 216	Referred To Local Government 2021 01 22	In House	4.6% 70.9%

**Title** Introduction Date: 2021-01-22  
An Act restricting local government from certain regulation of agritourism.

**Primary Sponsors**  
Todd Polinchock

State	Bill Number	Last Action	Status	FN Outlook
WV	SB 339	Do Pass But First To Judiciary 2021 03 25	In House	39.2% 89.8%

**Title** Introduction Date: 2021-02-18  
Expanding types of agricultural operations that are protected from nuisance and other legal actions

**Primary Sponsors**  
Dave Sypolt

State	Bill Number	Last Action	Status	FN Outlook
WV	SJR 5	Filed For Introduction 2021 02 18	In Senate	39.7% 82.8%

**Title** Introduction Date: 2021-02-18  
Right to Farm and Ranch Amendment

**Primary Sponsors**  
Robert Karnes

State	Bill Number	Last Action	Status	FN Outlook
WV	SJR 6	Filed For Introduction 2021 02 18	In Senate	41.7% 85.2%

**Title** Introduction Date: 2021-02-18  
Right to Farm Amendment

**Primary Sponsors**  
Dave Sypolt

Powered by  
**FiscalNote**