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FISCAL IMPACT REPORT

SPONSOR Rehm/Hall ORIGINAL DATE 01/31/18
LAST UPDATED _____ HB 161
SHORT TITLE Agriculture & Vegetable Seed Law Preemption SB _____
ANALYST Amacher

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)

New Mexico Department of Agriculture (NMDA)

SUMMARY

Synopsis of Bill

House Bill 161 establishes a state preemption of the regulation of agriculture and vegetable seeds. A city, county, or other political subdivision of the state, or a home rule municipality shall not adopt or continue any existing ordinance, rule, regulation or statute regulating agricultural or vegetable seeds. If enacted, the effective date of this bill is May 16, 2018.

FISCAL IMPLICATIONS

There is no known fiscal impact.

SIGNIFICANT ISSUES

HB 161 establishes a state preemption of the regulation of agriculture and vegetable seeds. A city, county, or other political subdivision of the state, or a home rule municipality shall not adopt or continue any existing ordinance, rule, regulation or statute regulating agricultural or vegetable seeds. This preemption of the regulation addresses cultivation, harvest, production, processing, certification, labeling, inspection, analyzing, testing, sampling, classification, designation, advertising, sale, storage, transportation, distribution, possession, and notification of use, planting or other use of agricultural or vegetable seeds.

OTHER SUBSTANTIVE ISSUES

The NMAG notes that at least 29 states have adopted seed preemption laws which block local governments from enacting their own rules/laws on seed and which presumably includes GMO's. The result is that decisions on what can be grown locally will be taken away from local control and exist exclusively in the state domain.

Currently, "agricultural seed" includes the seeds of grass, forage, cereal and fiber crops. It shall include any other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds and mixtures of such seeds, and may include noxious weed seeds when the board of regents of New Mexico State University determines that such seed is being used as agricultural seed (Chapter 76, Article 10-12, NMSA 1978).

"Vegetable seed" includes the seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable seeds in this state" (Chapter 76, Article 10-12, NMSA 1978).

JMA/sb/jle