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SENATE BILL 221

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

CARLOS R. CISNEROS

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH; PERMITTING LIMITED LOCAL REGULATION OF
PESTICIDES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 76-4-9.1 NMSA 1978 (being Laws 1992,
Chapter 25, Section 1) is amended to read:

"76-4-9.1. STATE PREEMPTION--EXCEPTION.--

A. Except as otherwise authorized in the Pesticide
Control Act, no city, county or other political subdivision of
the state and no home rule municipality shall adopt or continue
in effect any ordinance, rule, regulation or statute regarding
the registration, labeling, distribution, sale, handling, use,
application, transportation or disposal of pesticides unless
that ordinance, rule or regulation is more restrictive than
state law or regulation and pertains only to the distribution.

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Underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 sale, handling, use, application, transportation or disposal of
2 pesticides. Such ordinance, rule or regulation may include
3 requirements for public notice of use or application of
4 pesticides. The state shall retain sole authority regarding
5 registration and labeling of pesticides and over licensing of
6 commercial, public and private pesticide applicators.

7 B. Any political subdivision or local government
8 entity contemplating regulating pesticides, as permitted in
9 Subsection A of this section, shall notify the director of the
10 department prior to public notice of the proposed action in
11 order to ensure that no provision of the proposed ordinance,
12 rule or regulation conflicts with state or federal pesticide
13 statutes or regulations. "