

Amendment to HB 1233

1 Amend RSA 433:7-a as inserted by section 1 of the bill by replacing it with the following:

2
3 433:7-a Preemption of Local Regulation. Administration and enforcement of this subdivision
4 shall be implemented in an equitable manner throughout the state. This subdivision is of statewide
5 concern and occupies the whole field of regulation regarding the display, distribution, growing,
6 cultivation, harvesting, production, labeling, marketing, mixing, notification of use, planting,
7 possession, processing, registration, sale, storage, transportation, or other use; or the inspection,
8 analysis, examination, certification, classification, testing, or licensing of agricultural, flower tree,
9 shrub, or vegetable seeds, or products or sellers of such seeds to the exclusion of all local regulation.
10 Except as otherwise specifically provided in this subdivision, no ordinance or regulation of local
11 government, including but not limited to, an action by a local governmental agency or department,
12 a county board of commissioners or a city council, or a local regulation adopted by the use of an
13 initiative measure, may prohibit or in any way attempt to regulate any matter relating to the
14 display, distribution, growing, cultivation, harvesting, production labeling, marketing, mixing,
15 notification of use, planting, possession, processing, registration, sale, storage, transportation, or
16 other use, or the inspection, analysis, examination, certification, classification, testing, licensing, of
17 agricultural, flower tree, shrub, or vegetable seeds or products or sellers of such seeds and any of
18 those ordinances, laws, or regulations are void and of no force or effect. Nothing in this subdivision
19 shall limit the authority of any political subdivision to adopt and enforce planning, zoning and
20 related regulations under RSA 674, including the authority to require native plantings, and combat
21 invasive species listed in accordance with RSA 430:53 as part of a planning board's site plan review
22 or subdivision authority or as a condition of a zoning board of adjustment's granting of a variance or
23 special exception.

24
25 Amend RSA 431:4-d as inserted by section 2 of the bill by replacing it with the following:

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27 431:4-d Preemption of Local Regulation. Except as otherwise specifically provided in this
28 subdivision, no ordinance or regulation of local government, including but not limited to, an action
29 by a local governmental agency or department, a county board of commissioners or a city council, or
30 a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt
31 to regulate any matter relating to the registration, sale, formulation, or transportation of fertilizer.
32 ***Additionally, no local regulation shall regulate the type of fertilizer when used for***

1 *agricultural purposes as defined by RSA 21:34-a.*

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AMENDED ANALYSIS

This bill preempts the local regulation of seeds and fertilizer.