

116TH CONGRESS
1ST SESSION

H. R. 272

To prevent States and local jurisdictions from interfering with the production and distribution of agricultural products in interstate or foreign commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Mr. KING of Iowa (for himself, Mr. PETERSON, Mr. MARSHALL, Mr. ESTES, and Mr. GIBBS) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent States and local jurisdictions from interfering with the production and distribution of agricultural products in interstate or foreign commerce, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Interstate
5 Commerce Act of 2019”.

1 **SEC. 2. PROHIBITION AGAINST INTERFERENCE BY STATE**
2 **AND LOCAL GOVERNMENTS WITH PRODUC-**
3 **TION OR MANUFACTURE OF ITEMS IN OTHER**
4 **STATES.**

5 Consistent with article I, section 8, clause 3 of the
6 Constitution of the United States, the government of a
7 State or locality therein shall not impose a standard or
8 condition on the production or manufacture of any agricul-
9 tural product sold or offered for sale in interstate com-
10 merce if—

11 (1) such production or manufacture occurs in
12 another State; and

13 (2) the standard or condition is in addition to
14 the standards and conditions applicable to such pro-
15 duction or manufacture pursuant to—

16 (A) Federal law; and

17 (B) the laws of the State and locality in
18 which such production or manufacture occurs.

19 **SEC. 3. FEDERAL CAUSE OF ACTION TO CHALLENGE STATE**
20 **REGULATION OF INTERSTATE COMMERCE.**

21 (a) PRIVATE RIGHT OF ACTION.—A person, includ-
22 ing, but not limited to, a producer, transporter,
23 distributor, consumer, laborer, trade association, the Fed-
24 eral Government, a State government, or a unit of local
25 government, which is affected by a regulation of a State
26 or unit of local government which regulates any aspect of

1 an agricultural product, including any aspect of the meth-
2 od of production, which is sold in interstate commerce, or
3 any means or instrumentality through which such an agri-
4 cultural product is sold in interstate commerce, may bring
5 an action in the appropriate court to invalidate such a reg-
6 ulation and seek damages for economic loss resulting from
7 such regulation.

8 (b) PRELIMINARY INJUNCTION.—Upon a motion of
9 the plaintiff described in subsection (a), the court shall
10 issue a preliminary injunction to preclude the State or unit
11 of local government from enforcing the regulation at issue
12 until such time as the court enters a final judgment in
13 the case, unless the State or unit of local government
14 proves by clear and convincing evidence that—

15 (1) the State or unit of local government is like-
16 ly to prevail on the merits at trial; and

17 (2) the injunction would cause irreparable harm
18 to the State or unit of local government.

19 (c) STATUTE OF LIMITATIONS.—No action shall be
20 maintained under this section unless it is commenced
21 within 10 years after the cause of action arose.

1 **SEC. 4. AGRICULTURAL PRODUCT DEFINED.**

2 In this Act, the term “agricultural product” has the
3 meaning given such term in section 207 of the Agricul-
4 tural Marketing Act of 1946 (7 U.S.C. 1626).

