

Senate Bill 144

By: Senators Watson of the 11th, Gooch of the 51st, Kennedy of the 18th, Beach of the 21st,
Goodman of the 8th and others

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 6 of Chapter 7 of Title 2 of the Official Code of Georgia Annotated,
2 relating to liability for use of fertilizers, plant growth regulators, or pesticides, so as to clarify
3 that a manufacturer cannot be held liable for failing to warn consumers of health risks above
4 those required by the United States Environmental Protection Agency with respect to
5 pesticides, subject to an exception; to provide for legislative findings; to provide for related
6 matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 The General Assembly finds that:

- 10 (1) Agriculture and its related industries contribute over \$91 billion to Georgia's economy,
11 and Georgia farmers are the backbone of that activity;
12 (2) As the nation's largest producer of peanuts and the second largest producer of cotton,
13 Georgia farmers rely on inputs to grow their crops and keep yields high;
14 (3) Without reliable access to the most widely used crop protection products, costs to
15 farmers could more than double;
16 (4) A domestic supply chain for crop protection products is critical to ensuring farmers
17 have access to all the tools they need to grow food and fiber;

(5) Dependence on Chinese imports for critical ingredients in crop protection products creates supply chain vulnerabilities for the United States and opportunities for foreign adversaries to restrict access to crop protection products for American farmers; and

(6) Every effort must be made to strengthen the United States domestic production of pesticides, including clarifying regulatory authority of pesticide labeling.

SECTION 2.

Article 6 of Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating to liability for use of fertilizers, plant growth regulators, or pesticides, is amended by adding a new Code section to read as follows:

"2-7-171.

(a) As used in this Code section, the term:

(1) 'Environmental Protection Agency' means the United States Environmental Protection Agency.

(2) 'FIFRA' means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Section 136, et seq., and the amendments thereto.

(b) Notwithstanding anything to the contrary in this chapter, beginning on January 1, 2026, any pesticide registered with the Commissioner, pursuant to Code Section 2-7-55, or the Environmental Protection Agency, pursuant to FIFRA, which displays a label that has been approved by the Environmental Protection Agency in registering the pesticide or is consistent with the most recent human health risk assessment performed under FIFRA shall be deemed a sufficient warning label for the purposes of an action commenced under any provision of state law concerning the duty to warn or label, or any other common law duty to warn; provided, however, that the provisions of this subsection shall not apply when a determination has been made by the Environmental Protection Agency that a manufacturer knowingly withheld, concealed, misrepresented, or destroyed material information

43 regarding the human health risks of such pesticide in order to obtain or maintain approval
44 of its label by the Environmental Protection Agency."

45 **SECTION 3.**

46 All laws and parts of laws in conflict with this Act are repealed.