

217B.270 Prohibition against local regulation of fertilizer and pesticides -- Establishment of department's authority for the regulation of pesticides sold and used in the Commonwealth.

- (1) The Commonwealth of Kentucky hereby determines that the citizens of the state benefit from a system of safe, effective, and scientifically sound fertilizer and pesticide regulation. The Commonwealth further finds that a system of fertilizer and pesticide regulation which is consistent, coordinated, and comports with both federal and state technical expertise is essential to the public health, safety, and welfare, and that local regulation of fertilizer and pesticides does not materially assist in achieving these benefits.
- (2) No city, town, county, or other political subdivision of the Commonwealth shall adopt or continue in effect any ordinance, resolution, rule, or regulation regarding fertilizer regulated pursuant to KRS 250.371 and pesticide sale or use, including without limitation: registration, notification of use, advertising and marketing distribution, training, licensing, and certification, storage, transportation, disposal, disclosure of confidential information, or product composition.
- (3) Authority for the regulation of pesticides sold and used in the Commonwealth of Kentucky is hereby established in the department.
- (4) Nothing in this section shall be construed to:
 - (a) Abrogate any authority afforded by the state statutes to any program cabinet established under KRS Chapter 12 or any state or federal mandated hazardous materials regulations or fire safety codes and comprehensive hazardous materials management program;
 - (b) Abrogate the planning and zoning authority granted local government pursuant to KRS Chapter 100; or
 - (c) Waive any reporting requirement established by state or federal law or regulation.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 84, sec. 15, effective June 29, 2021. -- Amended 2007 Ky. Acts ch. 17, sec. 1, effective June 26, 2007. -- Created 1992 Ky. Acts ch. 303, sec. 1, effective July 14, 1992.