



The Feed

Recent Developments in Ag Law & Policy

The Feed highlights recent legal developments affecting agriculture, with issues released twice a month.

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International Ag Trade Update: Tariffs, IEEPA, Refunds, & Related Issues

- ✓ April 15, 2026
- ✓ Noon - 1 p.m. ET
- ✓ No cost to register



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Foreign Ownership – Indiana SB 256. Indiana recently enacted Indiana **Senate Bill 256** ("SB 256"), significantly expanding the state's restrictions on foreign ownership of real property. Effective July 1, 2026, the law broadens prior limitations on agricultural land to prohibit certain individuals and business entities associated with foreign adversary countries from acquiring any interest in real estate statewide, including mineral and certain leasehold interests. The legislation also establishes a state-level foreign agent registration framework, which requires individuals and entities action on behalf of certain foreign principals and engaging in political activity within Indiana to register with the state and disclose information regarding their relationships and activities. Other states to enact amendments to their states' foreign ownership law include South Dakota (**Senate Bill 40**) and Utah (**House Bill 291**). For more NALC resources on foreign ownership of U.S. land, click **here**.

- *Conference Opportunity (May 6): Tara Smith, Executive Vice President, Torrey Advisory Group, and Morgan Ulmer, Principal, Cornerstone Government Affairs, will present "State of Play on The Hill: View from the Trenches" at the Agricultural & Food Law Policy Briefing. To register, click **here**.*

SNAP Waivers Updates. On March 11, a **lawsuit** was filed in federal court in the District of Columbia challenging the USDA's issuance of Supplemental Nutrition Assistance Program (SNAP) food restriction waivers in five states. States may submit SNAP waivers to USDA to request the ability to restrict SNAP benefit participants' purchase of certain foods and beverages. For example, in the state of Tennessee, SNAP program participants are not allowed to purchase processed foods and beverages with their SNAP benefits. As of the publication of this newsletter, USDA has approved SNAP waiver requests from twenty-two states. The lawsuit was filed by five SNAP benefit recipients from Colorado, Iowa, Nebraska, Tennessee, and West Virginia who allege the waivers impose or will impose "irreparable harm" to their "health, food security, and livelihoods." The plaintiff's complaint alleges that the USDA approval of the SNAP waivers violated the Administrative Procedures Act (APA) and must be set aside. The complaint states the USDA overstepped its authority and did so without public notice or input. Additionally, the plaintiffs refer to **guidance** published by USDA on December 30, 2025, as an increasing factor of the "burdens" inflicted by the SNAP waivers.

In related news, lawmakers in Idaho have proposed legislation that seeks to further define the foods their state has restricted. Last year, Idaho enacted legislation that authorized their governor to submit a waiver to USDA seeking to

restrict candy and soda from purchase with SNAP benefits. However, following the waiver's approval and implementation, lawmakers are seeking to further clarify what qualifies as "candy" and "soda" in **HB 903**. To learn more about the process of requesting a SNAP waiver, click [here](#) to read NALC's article, "Excluding 'Junk' Food from SNAP Benefits."

- *Conference Opportunity (June 4-5): Judge Stephen Alexander Vaden, USDA Deputy Secretary will present "Perspectives from the USDA Deputy Secretary: Ag Policy, Implementation, and Reorganization" at the 13th Annual Mid-South Agricultural and Environmental Law Conference. To register, click [here](#).*

KY Pesticide Bill. On March 19, the Kentucky legislature voted to pass **SB 199** which would amend Kentucky law so that a federally registered pesticide label would be considered a "sufficient warning" for any state law concerning the duty to warn. Specifically, SB 199 provides that a pesticide label which has been approved by the Environmental Protection Agency consistent with the Federal Insecticide, Fungicide and Rodenticide Act would be considered a complete defense to any state law failure to warn claim a plaintiff raises in Kentucky state court. Originally introduced to the Kentucky legislature on February 13, SB 199 is currently awaiting the governor's signature. If it becomes law, Kentucky would become the third state to adopt a pesticide liability limitation law since 2025. Last year, both Georgia and North Dakota passed laws to make a federally registered pesticide label a complete defense to state law failure to warn claims. To learn more, click [here](#) to view NALC article "2026 Update on State Pesticide Liability Limitation Bills."

- *Webinar Opportunity (May 20): Brigit Rollins, Staff Attorney, National Agricultural Law Center will present "Failure to Warn: A Look at Recent State and Federal Action on Pesticide Labeling." To register, click [here](#).*

Egg Regulation: California. On March 18, a federal district judge **dismissed** the Trump administration's lawsuit arguing California egg production laws are preempted by the federal Egg Products Inspection Act (EPIA). EPIA, enacted in 1970, is a federal statute designed to ensure the safety, quality, and labeling of egg products distributed in interstate commerce. The administration's lawsuit challenged California laws AB 1437, Proposition 2, and Proposition 12, all of which are provisions dictating living conditions for egg laying hens, the sale of eggs and egg products from those hens, or both. The administration also blamed the rise in egg prices on CA's egg production laws. The court held that the administration did not have legal standing to bring the claim because they failed to show the enforcement of CA's laws specifically injured the administration. However, the court has given the administrative leave to amend the complaint and resubmit it, if it chooses to do so, by April 1st. For more information about this case, click [here](#) to read NALC article "Challenge to California's Hen Housing Laws." To learn more about the federal regulation of eggs, click [here](#) to review NALC article, "Food Foundations: Regulation of Eggs."

Interior Announces "God Squad" Meeting. The Department of Interior **has announced** that on March 31, the Endangered Species Committee (the Committee), also known as the "God Squad," will meet to discuss waiving Endangered Species Act (ESA) requirements for "oil and gas exploration, development, and production activities in the Gulf of America." Should the meeting take place, it would be only the fourth time the Committee has considered waiving ESA requirements for federal action since 1978 when the Committee was established. Shortly after Interior announced the meeting, an environmental group filed a lawsuit in federal court with the intention of preventing the meeting from taking place. The group argues that Interior has called the meeting in violation of the ESA which requires that the Committee only meet to consider exempting a specific federal action, like the construction of a dam or a sale of timber, from ESA requirements. In this instance, Interior has asked the Committee to broadly consider exempting all oil and gas production activities in the Gulf, as opposed to a specific federal action. The group has asked the court to issue a temporary restraining order to prevent the Committee from meeting while the matter is litigated. For more information, click [here](#) to view NALC article "Department of Interior Seeks to Convene the Endangered Species Committee."

Tennessee Targets Food Dyes in Schools. A Tennessee bill that would ban all artificial food dyes from being served in school meals is now awaiting the Governor's signature. This is the most recent attempt by the TN legislature to make similar changes. In 2025, **amendments** to the Tennessee School Nutrition Standards Act banned artificial food dye Red 40 from school meals. The new proposal, **SB 2423**, would expand on that by prohibiting food or beverages containing "any artificial food dye" from being sold or provided to students through the school meal program. Currently, the prohibition on Red 40 becomes effective on August 1, 2027. If the current legislation is enacted, that effective date will apply to all synthetic food dyes. If signed, this legislation would make Tennessee the sixth state to ban foods containing certain ingredients from school meals. To learn more about those similar laws, click [here](#) to read NALC article "Food Law in the States – 2025 Update."

Cell-Cultured Protein: South Dakota. On March 12, South Dakota's Governor signed into law a bill that will temporarily ban the sale of cell-cultured proteins. Beginning on July 1, **SB 124** prohibits the sale, manufacture, or distribution of a product containing cell-cultured protein. The ban will end on June 30, 2031, and violators will be charged with a misdemeanor. In February, Governor Rhoden **vetoed** a bill permanently banning the sale of cell-cultured proteins and **indicated** his support for SB 124. South Dakota law already has requirements for labeling these products and restrictions on using state money to purchase cell-cultured proteins. With SB 124's enactment, South Dakota becomes the 8th state to ban the sale of cell-cultured protein. To learn more about how other states have addressed alternative proteins, click **here** to view NALC's Alternative Proteins State Law Compilation. To learn more about alternative proteins generally, click **here** for additional NALC resources on the topic.

Mississippi Grain Indemnity Act. On March 13, Mississippi's Governor signed into law **SB 2631**, the "Mississippi Grain Indemnity Act." It creates a mechanism through which Mississippi grain producers may submit claims for contract or storage losses when a licensed grain dealer or warehouse operator fails to pay. Claims will be paid out of the Grain Indemnity Trust Fund, funded by a 0.2% assessment paid by grain producers when selling marketed grain to a first purchaser licensee. Participation is voluntary and producers may opt-out by notifying the state Department of Agriculture and Commerce in writing. Voluntary assessments will begin on January 1, 2027. To learn more about grain indemnity funds, click **here** to read NALC article "Considerations for Seeking Grain Indemnity Funds." For a compilation of state grain indemnity fund statutes, click **here**.

Poultry Payment Systems. The USDA's Agricultural Marketing Service (AMS) has **proposed** delaying the effective date of a final rule that would amend contract poultry regulations under the Packers & Stockyards Act (PSA). On January 16, 2025, AMS published the Poultry Grower Payment Systems and Capital Improvement Systems **final rule**, which was set to go into effect on July 1, 2026. This rule prohibits live poultry dealers (LPD) from decreasing a poultry grower's compensation based on a poultry grower ranking system. Additionally, the final rule requires LPDs to fairly design and operate poultry grower ranking systems. For example, the rule presumes a PSA violation when the tournament/ranking system makes up more than 25% of total compensation to growers. AMS has proposed delaying the rule's effective date to December 31, 2027. AMS claims that a delay will allow for further consideration of costs to LPDs, poultry growers, and consumers. Comments on the proposed delay may be **submitted** until April 17, 2026. To learn more about the Packers & Stockyards Act, click **here** to view NALC's overview.

Tariff Refunds. In a **court document** recently filed with the Court of International Trade (CIT), U.S. Customs and Border Protection (CBP) outlined a new digital system for processing tariff refunds. Specifically, the system was created for issuing refunds for the International Emergency Economic Powers Act (IEEPA) tariffs. The IEEPA tariffs were invalidated by the Supreme Court on February 20, 2026, in **Learning Resources, Inc. v. Trump**. Now, the CBP has unveiled the Consolidated Administration and Processing of Entries (CAPE) system. CAPE will be an online-portal available to importers seeking refunds for IEEPA tariffs. There, importers can submit entry data and request refunds. According to the CBP, the CAPE system is not yet finalized, however CBP will be using a "phased development" to introduce various functions of the CAPE system as they are finalized. To learn more about the Supreme Court's decision, click **here** to read NALC article "Supreme Court Vacates IEEPA Tariffs."

- *Webinar Opportunity (April 15): Leslie Alan Glick, Director of International Trade, Business and Finance Practice Group, Fennemore Law, will present "International Ag Trade Update: Tariffs, IEEPA, Refunds, & Related Issues." To register, click **here**.*

FDA Request for Information: Gluten. The U.S. Food and Drug Administration (FDA) has **extended** the comment period on a **Request for Information** (RFI) concerning labeling and cross-contact prevention of gluten in packaged food. Earlier this year, the FDA published the RFI in response to a citizen petition for rulemaking. The petition requested the agency require all ingredients with gluten be listed by name in the ingredient lists of all foods and require cross-contact controls with gluten-containing grains (GCGs). The petition also requests that oats be included as a GCG due to cross-contact. The FDA seeks to gather information and comments on the issues raised by the petition. The deadline to **submit** comments is April 22, 2026. To learn more about the regulation of food allergen labels, click **here** to view NALC's Food Foundations: The Regulation of Food Allergen Labels.

Raw Milk: E. coli Outbreak Linked to Cheddar Cheese. On March 15, the FDA and CDC announced an **investigation** into a multistate outbreak of E. coli infections linked to raw milk cheddar cheese likely from RAW FARM, LLC. At least 7 confirmed cases of infection have been reported between September 1, 2025 to February 13, 2026 with five from California, one from Florida, and one from Texas. No deaths have been reported, but two

patients have been hospitalized. Health officials interviewed three cases and all reported consuming RAW FARM-brand raw cheddar cheese, and epidemiologic evidence indicates the RAW FARM cheese is likely the source of illness. The FDA recommended that RAW FARM, LLC voluntarily remove their raw cheese products from the shelves, but the company has refused to issue a recall. To learn more about raw milk, click [here](#) to review NALC's blog on raw milk regulation.

BE Foods: Vacatur update. Earlier this month, a court in the Northern District of California gave directions for the parties of *Natural Grocers, et al. v. Rollins et al.* regarding the future of AMS' bioengineered (BE) food regulations. In *Natural Grocers*, the Ninth Circuit ruled that AMS could not exempt "highly refined foods" from its list of products that must be labeled as BE. As a result, the Ninth Circuit remanded the case to the district court to determine whether the regulations pertaining to "highly refined foods" should be revoked immediately or temporarily left in place. In another element of the case, the Ninth Circuit also found that portions of the regulations related to electronic disclosure methods were unlawful and should be vacated, or set aside. In response to that ruling, the district court has given Plaintiffs until April 20th to submit input and Defendants until May 18th to file a response. To read more about the specifics of this case, click [here](#) to read NALC article "Ninth Circuit addresses 'Natural Grocers v. Rollins.'"



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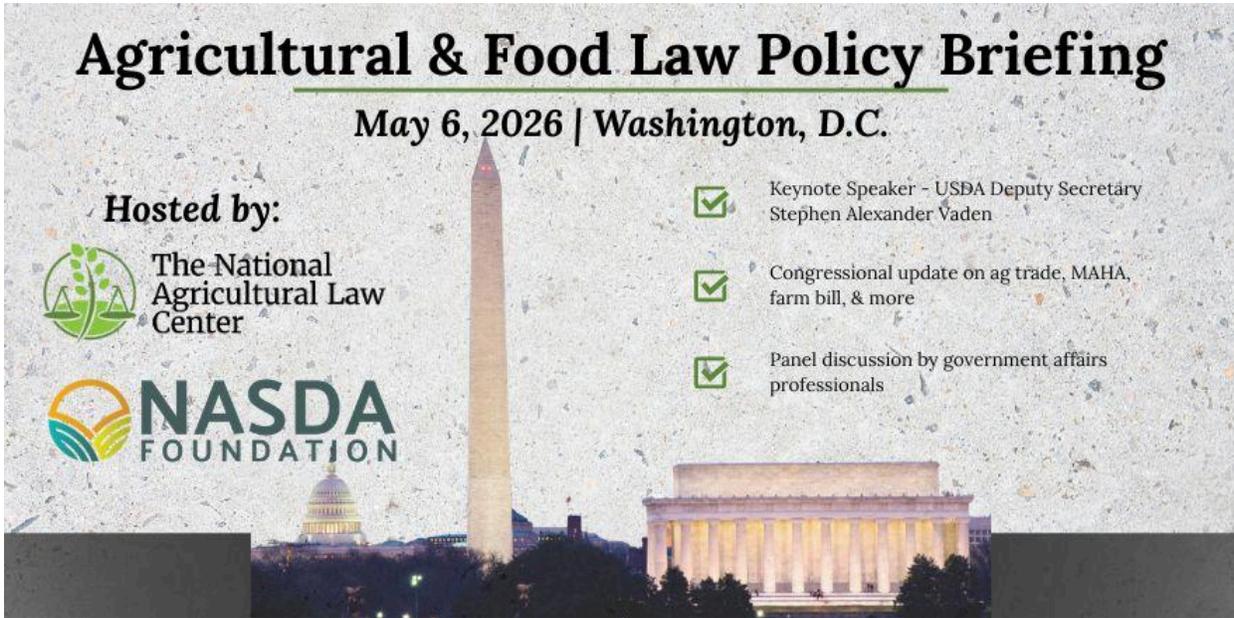
Agricultural & Food Law Policy Briefing

May 6, 2026 | Washington, D.C.

Hosted by:

-  The National Agricultural Law Center
-  NASDA FOUNDATION

- Keynote Speaker - USDA Deputy Secretary Stephen Alexander Vaden
- Congressional update on ag trade, MAHA, farm bill, & more
- Panel discussion by government affairs professionals



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