



The Feed

Recent Developments in Ag Law & Policy

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

Volume 3, Issue 7

April 10, 2025

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The National Agricultural Law Center
WEBINAR SERIES

Distressed Loan Servicing and Borrower Rights in the Farm Credit System



Bob Mikell
AgSouth Farm Credit



Wednesday, April 16, 2025
Noon ET
No cost to register

Foreign Ownership. Utah's Governor recently signed HB430 into law. HB430 amends Utah's Restrictions on Foreign Acquisitions of Land Act by extending the restrictions on foreign entities seeking to acquire an interest in real property. Specifically, the new restrictions prohibit any person from purchasing or leasing any interest in public or private land located in Utah on behalf of a restricted foreign entity. HB430 clarifies that "on behalf of" includes a person using funds or under the orders of a restricted foreign entity to acquire Utah land. Utah's Restrictions on Foreign Acquisitions of Land Act defines restricted entities as those owned or directly controlled by the government of China, Iran, North Korea, or Russia. To learn more about the Utah law, click **here** to read NALC article "Restricting Investments 'On Behalf Of' Foreign Entities: Utah Amends State Foreign Ownership Law."

- Conference Opportunity (June 6, livestream available): Asa Hutchinson, 46th Governor of Arkansas, Former Under Secretary, United States Department of Homeland Security, Founder, Asa Hutchinson Law Group will present "Legal Ethics for Ag Industry Professionals: CFIUS, Foreign Ownership, & National Security" at NALC's **Twelfth Annual Mid-South Agricultural and Environmental Law Conference**.

Prop 12. Two farm-state Senators have reintroduced a bill aimed at pushing back against California's Proposition 12 (Prop. 12). Formerly known as the EATS Act, the newly titled **Food Security and Farmland Act** would prohibit states from imposing standards or conditions for the "preharvest production of any agricultural products sold or offered for sale in interstate commerce" if the production occurs in another state. Prop. 12 was passed by California voters in 2018 and bans the sale of all pork products from pigs that were not produced according to certain confinement standards. The National Pork Producers Council challenged the law all the way up to the Supreme Court which ultimately opted to uphold Prop. 12 in 2023. To learn more about that ruling, click **here**.

California: Wetlands. California state lawmakers recently introduced **SB 601** which aims to strengthen protections for the state's streams and wetlands following the Supreme Court's 2023 ruling in *Sackett v. EPA* which limited the reach of the federal Clean Water Act (CWA). SB 601 would clarify that California's water protections and permitting requirements extend to state waters that are not also navigable waters, and would increase permitting requirements for business and construction projects. The bill would also set state standards to either meet or exceed the federal CWA standards that were in place prior to January 20, 2025. If SB 601 were to pass, California would become the second state to adopt additional stream and wetlands protections since the *Sackett* ruling after Colorado adopted new wetlands permitting requirements last year. To learn more about state laws on wetlands permitting, click **here**.

- Conference Opportunity (June 19-20, livestream available): Tess Dunham, Partner, Khan, Soares, & Conway, LLP will present "WOTUS & Water Quality in the West in a Post-Sackett World" at NALC's **Third Annual Western Water, Ag & Environmental Law Conference**.

Tariffs. President Trump recently announced tariffs on China of 50% following a prior increase of 34% announced last week as a part of Trump's reciprocal tariffs package. That brought tariffs on China to 104%. In response, China announced retaliatory tariffs of 84% on imports of US goods, which was followed by President Trump announcing an increase in tariffs against China to 125%. On April 9, President Trump also announced a 90-day pause on so-called retaliatory tariffs against countries who had not yet retaliated against the US. The US agriculture sector has significant exports to China, including beef and soybeans, that are expected to be impacted by these measures. To learn more, click **here** to view recently recorded NALC webinar "The Road Ahead: Agriculture, Trade, and Policy in a Changing World."

SNAP. In a recent press conference, U.S. Department of Health and Human Services Secretary Robert F. Kennedy Jr. encouraged states to submit waivers to the USDA to prohibit certain "junk" foods from being eligible for purchase with Supplemental Nutrition Assistance Program (SNAP) benefits. Though SNAP is under the jurisdiction of USDA, Secretary Kennedy stated that state waivers will soon be

granted to states who seek to restrict soda purchases. At this same press conference West Virginia Governor Morrisey signed a **letter of intent** seeking a waiver from the USDA to prohibit West Virginia SNAP participants from purchasing soda with SNAP benefits. Similarly, Nebraska's Governor recently signed a **letter of intent** to notify USDA Secretary Rollins that Nebraska would soon be submitting a waiver request to bar its SNAP participants from using benefits to buy soda or energy drinks. Additionally, this follows the recent passage of **HB109** in Idaho, which requires Idaho's Department of Health and Welfare to seek such a waiver, and **SB379** in Texas that would prohibit the use of SNAP funds to purchase "junk foods." To learn more about the SNAP waiver process, click [here](#) to read NALC article "Excluding 'Junk' Food from SNAP Benefits."

Chapter 12. A **recent report** from the American Farm Bureau Federation's Market Intel indicates that Chapter 12 bankruptcies for farms in the United States increased 55% from 2023 to 2024 with a total of 216 farm bankruptcies filed in 2024. While the report notes that the 2024 total is still well short of the all-time record 599 filings in 2019, it is still part of a four-year downward trend that "appears to mark a turning point in long-term farm financial health."

- Webinar opportunity (April 16): Bob Mikell, Executive Vice President and General Counsel, AgSouth Farm Credit will present "Distressed Loan Servicing and Borrower Rights in the Farm Credit System." To register, click [here](#).
- Conference opportunity (June 5-6): Renee S. Williams, Chapter 12 Trustee, U.S. Bankruptcy Court for the Eastern and Western Districts of Arkansas and Russell D. Morgan, CAC, Morgan Agricultural Consulting Svcs (MACS), "Dealing With Debt: Practical Considerations in Preparing for & Navigating Bankruptcy" at 12th Annual Mid-South Ag & Environmental Law Conference. To register, click [here](#).
- Conference Opportunity (June 19-20): Jamie Dreher, Partner/Chair, Litigation Department, Downey Brand LLP, "Dealing with Farm Debt in the West: Practical Considerations", Third Annual Western Water, Ag, & Environmental Law Conference. To register, click [here](#).

Ultra-Processed Foods. A California lawmaker has introduced **AB1264**, a bill that seeks to define ultra-processed food and prohibit those foods from inclusion in school meals. This bill would direct California's Office of Environmental Health Hazard Assessment to promulgate rulemaking that categorizes certain ultra-processed foods as "particularly harmful ultra-processed foods" based on certain studies of the ingredients' connection to food addiction, the food's fat, sugar, and salt-content, and the food's link to potential health issues. If passed, this would be the first statutory definition of ultra-processed foods, and would require California schools to begin phasing out particularly harmful ultra-processed foods by 2028. Additionally, AB1264 would require vendors who sell food to schools to report each food product that was sold to schools in the past calendar year. To read about previously enacted bills in California related to the banning of certain food additives and the prohibition of certain food dyes in school meals, click [here](#) and [here](#).

Grain Indemnity. Indiana lawmakers are considering legislation that would add additional protections for farmers who utilize grain elevators. Specifically, **SB461** would update requirements and rules for the Indiana Grain Buyers and Warehouse Licensing Agency - the agency that oversees the Indiana Grain Indemnity Program. This program operates an indemnity fund that compensates farmers if they are economically damaged by failures of a licensed grain dealer. SB461 has passed through Indiana's Senate, and is now being considered by its House of Representatives. Similarly, Iowa lawmakers have introduced a bill that would update its grain indemnity fund provisions. However, Iowa's **HSB131** has not moved out of committee. To learn more about state provisions for grain dealers and warehouses, click [here](#) to view NALC's "Regulation of Grain Sales & Storage" state compilation.

- Webinar Opportunity (June 18): Ross Pilfer, Penn State University, Center for Agricultural and Shale Law will present "An Overview of State Grain Dealer Statutes in the United States." To register, click [here](#).

Oregon: Environmental Guarantees. Oregon Lawmakers recently held a public hearing on **SJR 28**, a proposed ballot measure that would provide Oregonians a means of holding the state government accountable for decisions affecting the environment. Specifically, SJR 28 would establish guarantees for "clean air, clean water, thriving ecosystems, and a stable climate system." If Oregon's state government or regulatory agencies fail to uphold those guarantees, SJR 28 provides its citizens with a means of suing the government and said agencies. This places Oregon in a small group of states, such as Montana and New York, that have made such environmental guarantees to their citizens. Those opposed to SJR 28 have voiced concerns over its potential impact to private industries, but SJR 28 would only authorize lawsuits to be brought against the state government. SRJ 28 is expected to appear on the Oregon ballot this November.

Washington: Agritourism Laws. Lawmakers in Washington are considering a bill to amend their agritourism laws. **SB5055** seeks to exempt agricultural buildings used for agritourism activities from compliance with state building code standards that are required for a commercial building permit. However, the exemption in SB5055 does not extend to compliance with all life and fire safety requirements. Additionally, the exemption from commercial building permit requirements is only available for buildings that are used for agritourism activities six months or less every year. To learn more about agritourism laws in each state, click [here](#) to view NALC's agritourism state compilation.

- Webinar Opportunity (May 21): Jackie Schweichler, Penn State University, Center for Agricultural and Shale Law will present "Navigating ADA Compliance for Agritourism Guests." To register, click [here](#).

Cell-Cultured Meats. Several states have recently advanced legislation aimed at the regulation of lab-grown meats in state markets. Montana's House of Representatives recently passed **HB401**, a bill

that would outright ban the sale of lab-grown meat in Montana. Nebraska advanced **LB246**, which would also ban the sale of lab-grown meat. Oklahoma is on a similar track, with **HB2829** recently passing its House of Representatives. House Bill 2829 would ban the sale of lab-grown meat in Oklahoma. Additionally, both chambers of Colorado's legislature have passed **HB1203**, which would impose labeling requirements on lab-grown meat sold in the state. This legislation must be signed by the governor before it becomes law. Similarly, both chambers of Mississippi's legislature have passed **HB913**. Though food products containing cell-cultured tissue or plant or insect-based proteins were already prohibited from being labeled as a meat or meat food product, this bill would create definitions for cultivated-protein, plant-protein, insect-protein, and manufactured-protein food products, and specify that such food products are prohibited from being labeled as meat. To learn more about recently enacted state food-related laws, click [here](#) to read NALC's latest article "Food Law in the States - 2025 Update."

Poultry Markets. The Seventh Circuit Court of Appeals has upheld an \$8 million settlement agreement between Simmons Foods and class-action plaintiffs in a long-running antitrust case. The case was first filed in September 2016 when plaintiffs sued the country's largest broiler chicken producers for allegedly manipulating prices by coordinating to restrict supply. In 2023, a lower court judge approved an \$8 million settlement agreement that was later challenged by various plaintiffs claiming that the settlement was both insufficiently low and improperly released the defendants from liability for bid-rigging claims. However, the Seventh Circuit disagreed and upheld the agreement. Click [here](#) to read the court's decision.

Color Additives. Attorney General Ken Paxton of Texas recently announced his intent to investigate WK Kellogg Company for potential violations of Texas consumer protection laws. Specifically, Paxton will be investigating Kellogg's use of the labeling claim "healthy" on products that contain artificial color additives. Paxton claims the "healthy" label is "deceptive" and "aimed at misleading parents and families about the health of food products." The investigation is currently ongoing. To learn more about the process of challenging a labeling claim, click [here](#) to read NALC article "The Legality of Food Labeling Claims: Claims Brought by Competitors and Consumers."

Agriculture Competition. A coalition of U.S. Senators from both sides of the aisle have introduced **S.1312** to establish the "Office of the Special Investigator for Competition Matters within the Department of Agriculture." This new office would be authorized to investigate and prosecute those agricultural producers who have run afoul of the Packers and Stockyards Act. The proposed bill is a companion to **HR 1380**, also known as the Meat and Poultry Special Investigator Act, which was introduced to the House of Representatives in February. This is not the first time Senators have attempted to establish an Office of Special Investigator. In 2022, a similar bill passed the Senate Ag Committee, but stalled in the Senate.

Final Insecticide Strategy. A federal court has **approved a new deadline** by which the Environmental Protection Agency (EPA) must release a final version of the Draft Insecticide Strategy the agency published last August. The Insecticide Strategy is one component of a larger policy effort EPA has been in the process of developing to help the agency better meet its Endangered Species Act (ESA) responsibilities while approving pesticide labels under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Aspects of the policy effort are bound by a court agreement between EPA and a coalition of environmental groups to settle a long-running lawsuit filed by the groups to challenge numerous pesticide labels for failing to comply with the ESA. Specifically, the settlement agreement established deadlines for EPA to finish developing different portions of the new policy. Under the agreement, EPA had until March 31, 2025 to issue its Final Insecticide Strategy. However, EPA has failed to meet that deadline and petitioned the court for a 90-day extension. The court declined to grant a full 90-day extension and has instead set the new deadline for the Final Insecticide Strategy as April 30, 2025. For more information about the Insecticide Strategy, click [here](#) to view NALC article "EPA Releases Draft Insecticide Strategy."

NALC National Stakeholder Survey Closing Soon



The NALC National Stakeholder Survey will close on April 30. There is still time to participate! The anonymous survey takes only a few minutes to complete, and results will be used to develop and prioritize future research, information, and outreach activities conducted by the NALC and its partners. We want to hear from you!

[Take the Survey](#)

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