

115TH CONGRESS  
2D SESSION

# H. R. 4879

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2018

Mr. KING of Iowa (for himself, Mr. PETERSON, Mr. GOODLATTE, Mr. MARSHALL, and Mr. PITTENGER) 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

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## 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 2018”.

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 (a) IN GENERAL.—Consistent with article I, section  
6 8, clause 3 of the Constitution of the United States, the  
7 government of a State or locality therein shall not impose  
8 a standard or condition on the production or manufacture  
9 of any agricultural product sold or offered for sale in inter-  
10 state commerce 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 (b) AGRICULTURAL PRODUCT DEFINED.—In this  
20 section, the term “agricultural product” has the meaning  
21 given such term in section 207 of the Agricultural Mar-  
22 keting Act of 1946 (7 U.S.C. 1626).

23 **SEC. 3. FEDERAL CAUSE OF ACTION TO CHALLENGE STATE**  
24 **REGULATION OF INTERSTATE COMMERCE.**

25 (a) PRIVATE RIGHT OF ACTION.—A person, includ-  
26 ing, but not limited to, a producer, transporter,

1 distributor, consumer, laborer, trade association, the Fed-  
2 eral Government, a State government, or a unit of local  
3 government, which is affected by a regulation of a State  
4 or unit of local government which regulates any aspect of  
5 an agriculture good, including any aspect of the method  
6 of production, which is sold in interstate commerce, or any  
7 means or instrumentality through which such an agri-  
8 culture good is sold in interstate commerce, may bring an  
9 action in the appropriate court to invalidate such a regula-  
10 tion and seek damages for economic loss resulting from  
11 such regulation.

12 (b) PRELIMINARY INJUNCTION.—Upon a motion of  
13 the plaintiff, the court shall issue a preliminary injunction  
14 to preclude the State or unit of local government from en-  
15 forcing the regulation at issue until such time as the court  
16 enters a final judgment in the case, unless the State or  
17 unit of local government proves by clear and convincing  
18 evidence that—

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

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

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

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