

**AMENDMENT**  
**OFFERED BY MR. DENHAM OF CALIFORNIA TO**  
**THE AMENDMENT OFFERED BY MR. KING OF**  
**IOWA**

**[KINGIA\_033]**

Insert after subsection (a), the following new subsections (and redesignate the subsequent subsections accordingly):

1       (b) EXEMPTION.—In accordance with the 10th  
2 amendment to the Constitution of the United States, the  
3 restriction imposed by subsection (a), with respect to a  
4 standard or condition on the production or manufacture  
5 of any agricultural product sold or offered for sale in inter-  
6 state commerce, shall not apply to—

7           (1) a State, including California, Illinois, Indi-  
8 ana, Iowa, Kentucky, Maine, Michigan, Minnesota,  
9 New York, Ohio, Pennsylvania, Vermont, and Wis-  
10 consin, that imposes a standard or condition de-  
11 scribed in subsection (c);

12           (2) a standard or condition described in such  
13 subsection that is in addition to the applicable  
14 standards or conditions pursuant to Federal law or  
15 the laws of relevant State or locality; or

1           (3) a standard or condition specified in chapter  
2       14, division 20 of the California Health and Safety  
3       Code.

4       (c) STANDARD OR CONDITION FOR EXEMPTION DE-  
5       SCRIBED.—For purposes of subsection (b), a standard or  
6       condition to which the restriction imposed by subsection  
7       (a) does not apply is a standard or condition imposed by  
8       a State on the production or manufacture, as appropriate,  
9       of—

10           (1) livestock for purposes of protecting livestock  
11       in the State from bucellosis, bovine tuberculosis, and  
12       other diseases

13           (2) nonfat milk solids in milk sold or offered for  
14       sale in that State;

15           (3) firewood for purposes of protecting the for-  
16       ests in that State by preventing invasive pests and  
17       species, including the Asian Longhorn Beetle and  
18       Emerald Ash Borer, from being imported into that  
19       State through firewood; and

20           (4) seed for purposes of protecting the integrity  
21       of the agricultural marketplace, consumers, or nec-  
22       essary seed inspection mechanisms in the State, in-  
23       cluding a standard requiring truth-in-labeling on

- 1 packages of seed or a minimum standard on seed
- 2 sales.

