



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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The National Agricultural Law Center
WEBINAR SERIES

An Overview of State Grain Dealer Statutes in the United States



Wednesday, June 18, 2025
Noon ET
No cost to register



Ross Pifer
Penn State Center for
Agricultural and Shale Law

USDA Senate Confirmation. On June 10, Judge Stephen Vaden was confirmed by the U.S. Senate as the Deputy Secretary of Agriculture. Judge Vaden served in the first Trump Administration as USDA General Counsel, and was then appointed to serve on the U.S. Court of International Trade. During that time, he has been a keynote speaker and presenter for several previous National Agricultural Law Center conferences. Conference agendas for previous and upcoming programs are available **online**.



"One Big Beautiful Bill" & Ag. On May 22, the U.S. House of Representatives voted to pass the massive reconciliation bill titled, **The One Big Beautiful Bill Act**, which includes various changes to the current 2018 Farm Bill. The House reconciliation bill would extend two of the major commodity programs, Agriculture Risk Coverage and Price Loss Coverage, through crop year 2031 while reference prices are increased 10%-20% depending on the commodity. Starting in 2031, reference prices would then increase 0.5% annually in order to keep up with future inflation. The House bill also includes a \$290 billion cut to the Supplemental Nutrition Assistance Program (SNAP). The bill would also require states to pay at least 5% possibly up to 25% of SNAP benefit costs starting in 2028. Additionally, the bill would require parents with children aged 7 years or older to have at least one adult working or volunteering for 20 hours a week in order to maintain SNAP eligibility. Under current requirements, only parents with children aged 18 years or older must work 20 hours a week to remain eligible for SNAP benefits. After clearing the House, the reconciliation bill moved to the Senate where it remains under consideration with some hopes of passage by July 4. On the afternoon of June 11, the Senate Agriculture Committee released the **agriculture portion of the Senate reconciliation bill**. The Senate plan includes only \$1 billion in cuts to SNAP, which differs from the House version.

- Conference opportunity (June 19-20): Fitzhugh Elder IV, Republican Staff Director, U.S. Senate Committee on Agriculture, Nutrition, and Kristin Sleeper, USDA Deputy Under Secretary, Natural Resources and Environment, will present "Update from the Potomac: Farm Bill, Public Lands, & Related Federal Issues" at the 3rd Annual Western Water, Agricultural, and Environmental Law Conference. To register, click **here**.

Proposed Changes to Food Safety Oversight. On May 21, Senator Tom Cotton introduced the **Study And Framework for Efficiency in Food Oversight and Organizational Design (SAFE FOOD) Act** which would direct the Secretary of Agriculture to conduct a study on the potential consolidation of federal agencies. Specifically, the bill focuses on federal agencies that focus on food safety such as the Food and Drug Administration, the Food Safety Inspection Service, and Centers for Disease Control and Prevention.

Corner-Cross Appeal. The United States Supreme Court may have the opportunity to comment on landowner rights to exclude trespassers and corner crossings after the plaintiff in *Iron Bar Holdings, LLC. v. Cape* has indicated that it will ask the Court for review. The lawsuit began when the owner of Elk Mountain Ranch in Wyoming, controlled by Iron Bar Holdings, brought criminal and civil trespassing charges against four hunters who crossed offset sections of federal land managed by the Bureau of Land Management that were bordered by privately held land owned by the plaintiff. The Tenth Circuit ruled in favor of the hunters, dismissing the civil trespassing charges and citing the Unlawful Inclosures Act of 1885. The 10th Circuit held that the lower court was correct in determining the hunters could cross from one corner of BLM land to another so long as they did not physically touch the privately held land that abutted the public land. Through a **request for an extension of time to appeal**, Iron Bar Holdings has indicated its interest in asking the Supreme Court to clarify the scope of both the Unlawful Inclosures Act and a landowners right to exclude. To read the 10th Circuit ruling, **click here**. For more information on the 10th Circuit's ruling, click **here** to view a recent article from NALC partner, Tiffany Dowell, Agricultural Law Specialist at Texas A&M AgriLife Extension Service.

MOOre Milk Legislation. The Senate Committee on Agriculture, Nutrition, and Forestry unanimously

passed the bipartisan **Whole Milk for Healthy Kids Act**. The bill amends the Richard B. Russell National School Lunch Act to allow schools in the school lunch program to serve whole milk, reduced-fat, low-fat, organic milk, non-organic milk, and fat-free flavored and unflavored milk. It also ensures school food personnel undergo food allergy training and provide lactose intolerant students with access to a non-dairy fluid milk substitute. A similar version of this bill was advanced through the House Committee on Education and Workforce with bipartisan support in February of 2025. The bill must be passed by both the full Senate and House of Representatives and signed by the President before it becomes law. To read the House bill, click [here](#).

MAHA Report. In late May, the Make America Healthy Again Commission published "The MAHA Report." This **report**, also known as the Make Our Children Healthy Again Assessment, presented findings on childhood chronic disease, ultra-processed foods, chemical exposures, childhood behavior, and medicalization. Specifically, the report highlighted four "driving factors" causing a rise in childhood chronic disease – poor diet, aggregation of environmental chemicals, lack of physical activity and chronic stress, and overmedicalization. Though the report included no tangible policy, it did contain 10 "next steps" for the development of the Commission's strategy. The report stated the strategy is due by August 2025.

SNAP Purchasing Restrictions. Arkansas, Indiana, Iowa, Idaho, and Utah are the newest states to obtain a waiver from USDA allowing the restriction of Supplemental Nutrition Assistance Program (SNAP) participants from purchasing certain foods with SNAP benefits. Specifically, Secretary of Agriculture Brooke Rollins, signed a waiver allowing the states to restrict the purchases of candy and soda. Additionally, Arkansas' waiver will permit SNAP participants to purchase hot rotisserie chickens with their benefits, and Iowa's waiver limits SNAP purchases only to foods the state does not tax. Previously, the first state to obtain a SNAP waiver, Nebraska, had been granted a waiver that only restricted the purchase of soda and energy drinks. So far only these six states have had waivers approved, however, a number of other states have also submitted waivers to the USDA. Those states include Ohio, Florida, Louisiana, Texas, Colorado, Kansas, and West Virginia. To learn more about the SNAP waiver process, click [here](#) to read NALC article "Excluding 'Junk' Food from SNAP Benefits."

Tariff Tango. A series of court rulings have paused and then restarted recent tariffs that the federal government has implemented on imports from various countries. On May 28, the United States Court of International Trade **issued a ruling** to pause tariffs that had been imposed on Canada, China, and Mexico, as well as the "reciprocal" tariffs announced on April 2. However, the Court of Appeals for the Federal Circuit **reinstated the reciprocal tariffs** on May 29 and issued "an immediate administrative stay" of the U.S. Court of International Trade's recent ruling. Following the stay of the International Trade court's ruling, the 10% global tariff will remain in effect as well as the reciprocal tariffs on U.S. trading partners.

Additionally, on June 11, President Trump announced a trade deal between the United States and China that would set total tariffs on imports from China at 55%. According to the White House, that number includes the 10% baseline global tariff, the 20% "fentanyl trafficking levy," and the 25% pre-existing tariff on China. While announced, this deal has not yet been finalized and signed by both countries.

Ag Tax. On June 3, Senator Cindy Hyde-Smith introduced the **Helping Ensure Rural Inheritance Transfers Are Generationally Enduring Act (HERITAGE Act)**. The HERITAGE Act would amend Section 2032A of the IRS Code. Under Section 2032A of the IRS Code, the amount of estate tax that must be paid on farming operations may be reduced by the value of qualified real property used for farming purposes. The proposed HERITAGE Act would increase the maximum value of qualified real property that may be reduced from the estate tax valuation, from \$750,000 to \$15,000,000. In related news, to learn more about tax provisions in the House's One Big Beautiful Bill Act and what they could mean for agriculture, click [here](#) to view a recent article from NALC partner The Center for Agricultural Law and Taxation.

Advancing Markets for Producers. In mid-April, **USDA announced** that it would be cancelling and revamping the Partnerships for Climate-Smart Commodities program, a Biden-era initiative that awarded federal grants to agricultural producers for developing sustainable farming practices. Under the remade program, known as Advancing Markets for Producers, grant agreements will be reviewed based on whether at least 65% of federal funds go to producers, recipients enrolled at least one producer, and made a payment to at least one producer as of the end of 2024. Projects that meet the new requirements must be submitted by June 20 but projects that only meet the first requirement have been given until September 1 to "significantly increase producers signup and payments." There are currently several lawsuits challenging USDA's decision to remake the program.

Grain Indemnity. At this time, Iowa farmers will no longer be required to pay into Iowa's Grain Indemnity Fund. Grain indemnity funds function as insurance for grain producers when there is a failure at a grain elevator before the producer is paid. Iowa's fund has been in collection since September 2023 because the fund fell below the \$3 million threshold after a number of grain facility failures. In April 2025, Iowa's fund was around \$10 million, over the statutory maximum of \$8 million, and as a result the Iowa Grain Indemnity Fund Board voted to end collection as of September 1, 2025. To learn more about Iowa and other states' grain indemnity laws, click [here](#) to read NALC article "Recent State Updates to Grain Indemnity."

- Webinar opportunity (June 18): Ross Pifer, 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](#).

MAHA Bills: Under consideration. The Pennsylvania House of Representatives is considering a group of eight bills titled the Healthy PA Package. This package of bills is aiming to "clean up" Pennsylvania's food supply by **requiring** the disclosure of foods with ingredients that are "Generally Recognized As Safe," **prohibiting** the sale of products with certain food additives in schools, **creating** a statutory definition of ultra-processed foods, **mandating** the use of a distinct label for foods containing BHA, **requiring** foods with certain color additives to bear a label warning of the products effect on children's behavior, **banning** paraquat, defining cover crops and creating incentives for their use, and **declaring** August as Wellness Month in PA. To learn more about the

Healthy PA Package, click [here](#). Additionally, though not technically a "MAHA" bill, similar legislation concerning a complete phase out of ultra-processed foods from school lunches by 2032 has passed the California Assembly. **AB 1264** also seeks to create a statutory definition for ultra-processed foods. Though Arizona recently **banned** ultra-processed foods from being served at public schools and categorized "ultra-processed foods" as foods containing listed food and color additives, the passage of either California's AB 1264 or Pennsylvania's HB 1132 would be the first statutory definition of the term.

MAHA Bills: Awaiting Governor's signature. In Texas, **SB 25** was passed by both chambers of the Texas legislature, and would increase physical education and nutrition requirements for students in Texas public schools if signed into law by the Governor. Notably, also under this legislation, food manufacturers would face new labeling requirements for products that contain certain ingredients listed in the bill - including Red Dye 40, butylated hydroxytoluene (BHT), interesterified soybean oil, any "certified food colors by the United States Food and Drug Administration," and more. Specifically, if a food contains any of the listed ingredients, manufacturers would be required to include a warning that states the product "contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the European Union, or the United Kingdom." The bill passed the House and Senate and now awaits Governor Abbott's signature. In Louisiana, SB 14 was sent to the Governor's desk on June 4, and awaits a signature. **SB 14** prohibits certain ingredients like synthetic food dyes and other artificial additives from being served to students at public schools and nonpublic schools that receive state funds. This bill applies to breakfasts and lunches served during regular school hours on school campuses and any food or beverages served by the school to students during aftercare, but does not apply to food sold in vending machines or concession stands. Additionally, it requires that manufacturers of food products that contain certain listed ingredients bear a label with a QR code that links to a web page with information about the food chemical's safety. It also requires food service establishments to post a disclaimer if they cook or prepare food using seed oil, such as canola oil, sunflower oil, and corn oil.

John Deere Antitrust Lawsuits. A **lawsuit filed** by the Federal Trade Commission against the agricultural equipment manufacturer Deere & Co. (better known as John Deere) has been allowed to proceed after a federal court in Illinois rejected Deere's request to dismiss the case. Deere had argued that the case against it should be dismissed because the government's claims of monopolization and unfair competition are insufficient. However, the **court disagreed**, concluding that the government had sufficiently plead both claims. As a result of the ruling, the case will be allowed to continue. Less than two weeks prior to that ruling, the judge in a separate lawsuit filed against Deere by farmers claiming that the company has monopolized the repair service market for its agricultural equipment **ruled that attorneys representing the farmers could depose** John Deere's Chief Financial Officer. According to the court, the Officer's testimony would be "relevant to the merits of the plaintiffs claims and their damages assessment." To learn more about the issue of right to repair, click [here](#) to view NALC webinar "Right to Repair and Agriculture."

In related news, Washington state recently finalized two pieces of right to repair legislation into law, although neither are specific to agriculture. **HB 1483** establishes the right to repair certain digital electronics while **SB 5680** focuses on the right to repair mobility devices used by people with physical disabilities.

Swampbuster. A federal judge in the Northern District of Iowa upheld the constitutionality of the wetland conservation program known colloquially as Swampbuster. The Swampbuster program works to conserve wetlands from being converted into agricultural land by withholding certain USDA benefits if a producer converts a designated wetland area into cropland. In its lawsuit, the landowner plaintiff argued that Swampbuster is unconstitutional under both the Commerce Clause and the Takings Clause of the United States Constitution. However, in a ruling issued on May 29, the court upheld Swampbuster after concluding that it was a valid exercise of Congress's spending power. To learn more about the lawsuit, click [here](#) to view NALC article "Federal Court Finds Swampbuster Constitutional." To read the court's decision, click [here](#).

Colorado River. In early May, the United States Department of Interior announced that 18 short-term System Conservation Implementation agreements to help conserve water in the Colorado River will be extended through 2026. The agreements were negotiated between Interior and various water right holders in Arizona and California and will result in approximately 321,000 acre-feet of water being stored in Lake Mead. The move comes as the eight states in the Colorado River Basin are up against a deadline to establish how water in the River will be managed post-2026 when the current operating agreement expires. For more information from Interior, click [here](#).

- Webinar opportunity (July 16): Brett Bovee, Intermountain Regional Director, WestWater Research, and Brian E. Hamily, water rights attorney, Downey Brand will present "Western Water Markets: Overview of Legal & Policy Considerations." To register, click [here](#).

Opportunities for Fairness in Farming Act. On May 20, a bipartisan coalition of U.S. Senators introduced the Opportunities for Fairness in Farming (OFF) Act. If enacted as proposed, **HR 3516** would prohibit purported conflicts of interest and anti-competitive practices related to certain commodity promotion programs in an effort to increase transparency. USDA Agricultural Marketing Service oversees approximately two dozen federal research and promotion programs, commonly referred to as "checkoffs". The OFF proposal also contains provisions relating to financial transparency and audit compliance. Learn more about USDA AMS Research & Promotion programs via the AMS website [here](#), and via the NALC Checkoff Programs Reading Room [here](#).

Meat Inspections. The USDA Secretary of Agriculture, Brooke Rollins, **announced** \$14.54 million of additional funding for state meat and poultry inspections conducted by the Food Safety and Inspection Service. The additional funding is an authorized transfer from the Non-Recurring Expense Fund under the Consolidated and Further Continuing Appropriations Act of 2015. The funds will help FSIS with operating expenses and in turn help state meat inspection programs. Additionally, according to **Meatingplace** (requires subscription), the USDA FSIS district office in Jackson, Mississippi has closed, causing the office's duties to be transferred to offices in Arkansas and Atlanta. Specifically, facilities in Alabama should contact the Atlanta office, while facilities in Tennessee, Kentucky, and Mississippi should reach out to Arkansas.

Alternative Proteins. A bill related to the sale of cell-cultured proteins has passed both chambers of Texas' Legislature. **SB 261** would ban the sale or offering for sale of any cell-cultured protein for human consumption in the state of Texas. This bill would take effect on September 1, 2025, but clarifies that the prohibition on the sale of cell-cultured proteins will expire on September 7, 2027. If signed by the Governor, this legislation will make Texas the seventh state to prohibit the sale of cell-cultured proteins. Additionally, a bill concerning the regulation of "imitation meat and egg products" has passed the Ohio House of Representatives. **HB 10** would require local boards of education, the state department of education, and state institutions of higher education to adopt a policy that prevents the purchase of cultivated-proteins and food misbranded as meat and eggs. Additionally, this legislation creates labeling requirements for "manufactured-protein food products" and "fabricated-egg products." This legislation must pass the Ohio Senate and be signed by the governor before it becomes law. On the federal level, the FDA has issued a safety consultation **approval** for lab-grown fish from the company, Wildtype. The **approval letter** remarked that the FDA had "no questions" as to the cell-cultivated salmon's safety as compared to similar foods, and the cultivated protein is now **for sale** at a Portland restaurant. Though it shares regulatory jurisdiction for lab-grown meat with the USDA, the FDA regulates lab-grown seafood through a voluntary pre-market safety consultation for products. To learn about other state actions related to alternative proteins, click **here** to read an article from NALC partner Southern Ag Today "A Steak by Any Other Name: How States Are Shaping the Future of Cultivated Meat."

Cottage Foods. As part of its budget process, Minnesota has updated the state's cottage food laws. **HF 2446** includes the following updates – decreasing the fee for registering as a cottage food from \$50 to \$30; expanding eligibility to allow individuals, sole proprietors, and small two-person LLCs owned by two persons who cohabitate to be cottage food operators; allowing products to be delivered by mail or commercial services; changing the requirements for producers to complete food safety training courses every three years instead of annually; and requiring at the annual sales cap be adjusted every two years for inflation. These updates go into effect on August 1, 2027. Similarly, Texas Governor Abbott signed into law a bill that updates Texas' cottage food laws. Specifically, **SB 541** would expand to allow nonprofit organizations to be eligible, increase the annual sales cap to \$150,000, require cottage food products to bear specific disclosures, allow cottage foods to be sold through certain third party vendors, and permit cottage food operators to omit their home address from the product's label. Additionally, the bill bars the local government authorities from attempting to regulate cottage food production through licensure. To learn more about various state cottage food laws, click **here** to view NALC's Cottage Food state law compilation.

HPAI. Hickman's Family Farms, one of the largest egg producers in the nation, recently lost 95% of its flock in Arizona due to bird flu. Around six million birds were lost after contracting bird flu, and the egg producer was forced to reduce the number of employees at the infected farms. Because of the decrease in egg supply in Arizona, egg prices are expected to rise particularly in the Phoenix area. To learn more about the role of the federal government in outbreaks like this, click **here** to view recorded NALC webinar "HPAI in Poultry and Cattle: How Can We Miss You If You Won't Go Away?"

Redefining Hemp. The House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, have advanced appropriation legislation that would redefine key terms concerning hemp. Specifically, the bill seeks to close the "hemp loophole" from the 2018 Farm Bill by outlawing cannabis products containing any "quantifiable" amount of THC or "any other cannabinoids that have similar effects (or are marketed to have similar effects) on humans or animals" as THC. Under the 2018 Farm Bill, hemp products are only banned if they contain more than 0.3% THC by dry weight. The bill will be subject to a full markup by the House Appropriations Committee on June 11. To read the full bill text, **click here**. To read a summary of the bill, **click here**. For more NALC resources on industrial hemp, click **here**.

Foreign Ownership. West Virginia's governor recently signed HB 2961 into law. This legislation restricts certain foreign purchases of real property located within the state. Specifically, the enactment of this law will prohibit certain foreign individuals, entities, and governments from acquiring an interest in agricultural land located within West Virginia through either a public auction or a private sale. This law goes into effect on July 10, 2025. To learn more about the West Virginia law, click **here** to read NALC article "New Addition to Foreign Ownership Law Trend: West Virginia Enacts Restriction on Foreign-Controlled Entities." To learn more about foreign ownership of U.S. land, click **here** to view NALC Foreign Ownership of Agricultural Land: FAQs & Resource Library.

Lesser Prairie-Chicken. The United States Fish and Wildlife Service (FWS) has asked a federal court to overturn its decision to list the lesser prairie-chicken as two distinct population segments under the Endangered Species Act (ESA) and send the matter back to FWS for further review. In 2022, FWS identified a southern and northern distinct population segment of lesser prairie-chicken and identified the southern population as endangered and the northern as threatened under the ESA. The state of Texas filed a lawsuit soon after seeking to have the listing decision overturned. Initially, FWS fought the lawsuit, however the agency has since reversed course and has asked the court to overturn the 2022 decision. Environmental groups are now looking to intervene in the case, claiming that the court cannot overturn the listing decision without first ruling on the merits of the case. For more information, click **here** to view NALC article "FWS Seeks Voluntary Vacatur in Lesser Prairie-Chicken Case."



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