Farm Safety and OSHA Regulations
April 8, 2014

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OSHA Plan States

The Occupational Safety & Health Administration (OSHA), an agency within the U.S. Department of Labor, was created by the Occupational Safety and Health Act of 1970 for the purpose of ensuring safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance. OSHA State Plan states are ones that have chosen to adopt a state occupational safety and health program and sought authorization from the federal OSHA agency. To receive authorization, a state program is required to have standards, policies and procedures at least as effective as those of federal OSHA and to respond to significant new changes to the federal program. Twenty-five states have approved state plans.

OSHA State Plan States

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* Connecticut, Illinois, New Jersey and New York cover public sector employment only.

1 “About OSHA.” Occupational Safety & Health Administration. Available at: [https://www.osha.gov/about.html](https://www.osha.gov/about.html).
AGRICULTURE-RELATED OSHA REGULATIONS

The statutory authority for OSHA is granted by parts 653, 655 and 657 of the Occupational Safety and Health Act of 1970. 29 C.F.R. Part 1928 of the Federal Code of Regulations, titled “Occupational Safety and Health Standards for Agriculture,” offers six subparts:

- Subpart A: Purpose and Scope
  “This part contains occupational safety and health standards applicable to agricultural operations.”

- Subpart B: Applicability of Standards
  “(a) The following standards in part 1910 of this chapter shall apply to agricultural operations:
  (1) Temporary labor camps -- § 1910.142;
  (2) Storage and handling of anhydrous ammonia -- § 1910.111 (a) and (b);
  (3) Logging Operations -- § 1910.266;
  (4) Slow-moving vehicles -- § 1910.145;
  (5) Hazard communication -- § 1910.1200;
  (6) Cadmium -- § 1910.1027;
  (b) Except to the extent specified in paragraph (a) of this section, the standards contained in subparts B through T and subpart Z of part 1910 of this title do not apply to agricultural operations.”

The parts which do not apply to agricultural operations are listed below:

SUBPART B-- ADOPTION AND EXTENSION OF ESTABLISHED FEDERAL STANDARDS
SUBPART D-- WALKING-WORKING SURFACES
SUBPART E-- EXIT ROUTES AND EMERGENCY PLANNING
SUBPART F-- POWERED PLATFORMS, MANLIFTS, AND VEHICLE-MOUNTED WORK PLATFORMS
SUBPART G-- OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROL
SUBPART H-- HAZARDOUS MATERIALS
SUBPART I-- PERSONAL PROTECTIVE EQUIPMENT
SUBPART J-- GENERAL ENVIRONMENTAL CONTROLS
SUBPART K-- MEDICAL AND FIRST AID
SUBPART L-- FIRE PROTECTION
SUBPART M-- COMPRESSED GAS AND COMPRESSED AIR EQUIPMENT
SUBPART N-- MATERIALS HANDLING AND STORAGE
SUBPART O-- MACHINERY AND MACHINE GUARDING
SUBPART P-- HAND AND PORTABLE POWERED TOOLS AND OTHER HAND-HELD EQUIPMENT
SUBPART Q-- WELDING, CUTTING AND BRAZING
SUBPART R-- SPECIAL INDUSTRIES
SUBPART S-- ELECTRICAL
SUBPART T-- COMMERCIAL DIVING OPERATIONS
SUBPART Z-- TOXIC AND HAZARDOUS SUBSTANCES

- Subpart C: Roll-Over Protective Structures
  § 1928.51 Roll-over protective structures (ROPS) for tractors used in agricultural operations.
Provides that agricultural tractors must have roll-over protective structures; contain
seatbelts; include protection from spillage in case of an upset; and protect the operator
from sharp surfaces.

§ 1928.52 Protective frames for wheel-type agricultural tractors -- test procedures and
performance requirements.
Establishes the test and performance requirements for a protective frame designed for
tractors to minimize the frequency and severity of injury resulting from upsets.

§ 1928.53 Protective enclosures for wheel-type agricultural tractors -- test procedures and
performance requirements.
Establishes the test and performance requirements for a protective enclosure designed
for tractors to minimize the frequency and severity of injury resulting from upsets.

• Subpart D: Safety for Agricultural Equipment
  § 1928.57 Guarding of farm field equipment, farmstead equipment, and cotton gins.
  Provides for the protection of employees from the hazards associated with moving
  machinery parts of farm field equipment, farmstead equipment, and cotton gins.

• Subpart I: General Environmental Controls
  § 1928.110 Field sanitation.
  Requires agricultural employers to provide potable drinking water and toilet and
  handwashing facilities to employees engaged in hand-labor operations in the field
  without cost to the employees.

• Subpart M: Occupational Health
  § 1928.1027 Cadmium.
  No further direction is given.

THE FAIR LABOR STANDARDS ACT OF 1938
OSHA is part of the U.S. Department of Labor. The administrator for OSHA is the assistant secretary of
Labor for Occupational Safety and Health. OSHA’s administrator answers to the secretary of Labor, who
is a member of the president’s cabinet. The Fair Labor Standards Act of 1938 is one of the major laws
which the Department of Labor enforces.

Several notable provisions in the Fair Labor Standards Act relate to agricultural workers and the
agricultural industry. Particularly, agricultural workers are exempted from minimum wage requirements
under certain circumstances. For example: if the employer did not use more than 500 “man-days” of
agricultural labor in the year prior; or if the worker is a member of the employer’s immediate family; or
if the employee was paid on a piece-rate basis as a hand harvest laborer. There are also special
exceptions for child labor. For instance, an employee who is younger than 12 years old may participate
in agricultural work if the work is done outside of school hours and has parental or guardian consent.

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4 See Note 1, supra.
5 29 USCS ch. 8
6 29 USCS § 213(a)(6)(A – C).
7 29 USCS § 213(c)(1)(A)(ii).
CHILDREN’S SAFETY

Children’s safety in agricultural operations is monitored by several organizations, including National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Agriculture, U.S. Department of Labor, and the U.S. Department of Health and Human Services’ Maternal and Child Health Bureau. Some of the top concerns for children’s health and safety on farms and in agricultural work are:8

- Machinery (e.g. tractors)
- Drowning
- Pesticides/Chemicals
- Falls
- Livestock

Agriculture has the second highest fatality rate among youth workers at 21.3 per 100,000 full-time equivalents compared to 3.6 per 100,000 across all industries.9 Fortunately, the rate of childhood agricultural injuries appears to be on a downward trend, with a 57 percent reduction between 1998 and 2009.10 This may be the result of several government programs and nonprofit organizations who work toward increasing childhood safety in agriculture. For example, NIOSH began implementation of a National Childhood Agricultural Injury Prevention Initiative in October 1996, which works to fill data needs and improve upon prevention efforts.11 Some states have recognized this as an important public health issue and have taken steps to reduce injuries and deaths among their young farming populations. For more details, see NCSL’s article, “Keeping Kids Safe Down on the Farm.” There are also several state statutes that specifically address minors in agricultural operations, including Arkansas, Colorado, Florida, Massachusetts and South Dakota.

FARM SAFETY LAWS IN NON-OSHA PLAN STATES

Twenty-five states do not have OSHA-approved plans:12

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10 Id.


12 See Note 3, supra.
Following are non-OSHA plan states statutes related to safety in agriculture. In almost all cases, agricultural workers and agricultural industries are explicitly exempted from applicability of statutes (the states with agricultural safety-specific statutes which did not have some kind of exception were Arkansas, Colorado, Delaware and Florida). Six states—Maine, Nebraska, Oklahoma, Pennsylvania, Texas and Wisconsin—specifically mention either the Occupational Safety and Health Act of 1970 or the federal Occupational Safety & Health Administration in their statutes. Four states—Idaho, Kansas, New Hampshire and Rhode Island—did not have any statutes specifically related to agricultural worker safety.

The statutes address many areas of worker protection, including general worker safety (in some cases agriculture was specifically excluded); provisions for minors (sometimes allowing special exceptions for children on farms); hazardous chemicals and pesticides; wages/worker’s compensation/overtime (many times agricultural workers were excluded); minimum requirements for housing and labor camps; and motor vehicles and farm equipment.

**Agricultural Safety and Health Statutes in non-OSHA Plan States**

**Alabama**

Code of Alabama
Title 25. Industrial Relations and Labor.
Chapter 1. General Provisions.

§ 25-1-1. Duties of employers, etc., with respect to provision of safe employment.

“(c) For the purposes of this section, the following terms shall have the meanings ascribed to them by this subsection:

(1) EMPLOYER. Such term includes every person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman or other person having control or custody of any employment, place of employment or of any employee, but the terms of this section shall not be construed to cover the employment of agricultural workers or domestic servants.

(2) EMPLOYEE. Such term does not and shall not include agricultural workers or domestic servants.

**Arkansas**

West’s Arkansas Code Annotated
Title 20. Public Health and Welfare
Subtitle 2. Health and Safety (Chapters 6 to 44)
Chapter 20. Pests and Pesticides

§ 20-20-301. Approved chemicals--Reentry times

“(a) The Director of the Division of Health of the Department of Health and Human Services may establish by regulation a list of approved pesticides and other agricultural chemicals which are safe for the occupational exposure of children twelve (12) and thirteen (13) years of age employed in hand-harvesting short-season crops.

(b) The director also may establish by regulation safe reentry times for children twelve (12) and thirteen (13) years of age so employed.”
§ 20-20-303. Employment requirements

“Children twelve (12) years of age and older may be employed to hand-harvest short-season crops, provided that:

(1) School is not in session;
(2) Written parental consent has been obtained by the employer;
(3) An employment certificate has been obtained from the Director of the Department of Labor pursuant to § 11-6-109;
(4) No pesticide or other agricultural chemical has been used on the crop except those approved by the Division of Health of the Department of Health and Human Services pursuant to § 20-20-301; and
(5) Any pesticide or other agricultural chemical used on the crop has been applied and utilized in compliance with the worker protection standards established by the Environmental Protection Agency and the division.”

Colorado
West’s Colorado Revised Statutes Annotated
Title 8. Labor and Industry
Labor I—Department of Labor and Employment
Labor Relations
Article 3.5. Nonimmigrant Agricultural Seasonal Worker Pilot Program

§ 8-3.5-102. Legislative declaration

“It is the intent of the general assembly to establish a nonimmigrant agricultural seasonal worker pilot program to expedite the seasonal worker application and approval process in compliance with the existing federal H-2A visa certification process so that eligible workers may come to Colorado legally, safely, and in a timely manner to meet the demands of Colorado producers.”

§ 8-3.5-105. Application process—screening

“(4) The employer shall:

(a) Reimburse the employee for the costs of transportation and subsistence from the site of recruitment to the place of employment when half of the contract period is complete;
(b) Provide free transportation to the employee between the employee’s local housing and the work site;
(c) Pay for the costs of return transportation and subsistence to the place of recruitment when the contract period is complete;
(d) Provide free housing for each employee that meets safety and health standards established by federal law, which shall be subject to inspection by the department;
(e) Provide United States workers and employees the same benefits, wages, and working conditions;
(f) Pay the employee wages that are in compliance with the federal requirements established pursuant to the federal “Immigration Reform and Control Act of 1986”, 8 U.S.C. sec. 1101 et seq.;
(g) Provide workers’ compensation insurance;
(h) Provide all tools, supplies, and equipment required to perform the duties assigned, without charge, to the employee;
(i) In compliance with federal law, provide each employee with three low-cost meals per day and disclose the cost in the employment contract or provide free cooking and kitchen facilities;
(j) Guarantee employment for at least three-fourths of the work days during the work contract period;
(k) Guarantee that the employee will be paid at least twice per month; and
(l) Provide to the employee a copy of the work contract between the employer and the employee.”

West’s Colorado Revised Statutes Annotated
Title 8. Labor and Industry
Labor I--Department of Labor and Employment
Labor Conditions
Article 12. Colorado Youth Employment Opportunity Act
§ 8-12-107. Permissible occupations at age twelve or older
“(1) Subject to the limitations of sections 8-12-105 and 8-12-110, any minor at age twelve or older shall be permitted employment in any of the following nonhazardous occupations:

... (e) Agricultural work, except for that declared to be hazardous under the “Fair Labor Standards Act of 1938”, as amended. However, it is the intent of the general assembly that migrant children eligible for attendance at migrant schools be encouraged to attend such schools.”

Delaware
West’s Delaware Code Annotated
Title 16. Health and Safety
Part II. Regulatory Provisions Concerning Public Health
Chapter 24. Hazardous Chemical Information
§ 2417. Exemptions
“Notwithstanding any language to the contrary, this chapter [which requires communication of chemical hazards in the workplace to employees] shall not apply to chemicals in the following:

... (7) The workplace of an agriculture employer or employer group if the Secretary of the Department of Agriculture certifies to the Secretary that the chemicals are covered by other federal or state laws and regulations.”

Florida
West’s Florida Statutes Annotated
Title XXIII. Motor Vehicles (Chapters 316-325)
Chapter 316. State Uniform Traffic Control
316.622. Farm labor vehicles
“(1) Each owner or operator of a farm labor vehicle that is operated on the public highways of this state shall ensure that such vehicle conforms to vehicle safety standards prescribed by the Secretary of Labor under s. 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. s. 1841(b), and other applicable federal and state safety standards.”

West’s Florida Statutes Annotated
Title XXXI. Labor (Chapters 435-453)
Chapter 450. Minority Labor Groups
Part I. Child Labor

450.061. Hazardous occupations prohibited; exemptions

“(1) No minor 15 years of age or younger, whether or not such person’s disabilities of nonage have been removed by marriage or otherwise, shall be employed or permitted or suffered to work in any of the following occupations:

(g) In the operation of a motor vehicle, except a motorscooter which he or she is licensed to operate, except that 14-year-old and 15-year-old workers may drive farm tractors in the course of their farmwork under the close supervision of their parents on a family-operated farm, and except that qualified 14-year-old and 15-year-old workers may drive tractors in the course of their farmwork under the close supervision of the farm operator. “Qualified,” as used herein, means having completed a training course in tractor operation sponsored by a recognized agricultural or vocational agency, as evidenced by duly executed certificate, such certificate to be filed with the farm operator for the duration of the employment.”

Georgia
West's Code of Georgia Annotated
Title 16. Crimes and Offenses
Chapter 5. Crimes Against the Person
Article 3. Kidnapping, False Imprisonment, and Related Offenses
§ 16-5-47. Posting model notice to enable persons who are subject of human trafficking to obtain help and services

“(b) Effective September 15, 2013, the following businesses and other establishments shall post the notice described in subsection (c) of this Code section, or a substantially similar notice, in English, Spanish, and any other language deemed appropriate by the director of the Georgia Bureau of Investigation, in each public restroom for the business or establishment and either in a conspicuous place near the public entrance of the business or establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted:

... (9) Farm labor contractors and day haulers;

(c) On or before August 1, 2013, the Georgia Bureau of Investigation shall develop a model notice that complies with the requirements of this subsection and make the model notice available for download on its Internet website. Such notice shall be at least 8 1/2 inches by 11 inches in size, printed in a 16 point font in English, Spanish, and any other language deemed appropriate by the director of the Georgia Bureau of Investigation, and state the following:

Are you or someone you know being sold for sex or made/forced to work for little or no pay and cannot leave? Call the National Human Trafficking Resource Center at 1-888-373-7888 for help. All victims of slavery and human trafficking have rights and are protected by international, federal, and state law.”
"As used in this chapter [Ch. 2, Department of Labor], the term:
(1) “Employer” includes every person, firm, corporation, partnership, stock association, agent, manager, representative, or foreman, or other persons having control or custody of any place of employment or of any employees, except agricultural and domestic labor and those employers having less than eight employees. Naval stores producers shall be classified as agricultural, except where otherwise classified by federal laws."

West's Code of Georgia Annotated
Title 34. Labor and Industrial Relations
Chapter 5. Sex Discrimination in Employment
§ 34-5-2. Definitions
"As used in this chapter [Ch. 5, Sex Discrimination in Employment], the term:

(3) “Employee” means any individual employed by an employer, other than domestic or agricultural employees, and includes individuals employed by the state or any of its political subdivisions, including public bodies."

Louisiana
West's Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 23. Labor and Workers' Compensation
Chapter 1. Louisiana Workforce Commission
Part I. Establishment, Powers, and Duties
§ 13. Employers' duty as to safety
"Every employer shall furnish employment which shall be reasonably safe for the employees therein. They shall furnish and use safety devices and safeguards, shall adopt and use methods and processes reasonably adequate to render such employment and the place of employment safe in accordance with the accepted and approved practice in such or similar industry or places of employment considering the normal hazard of such employment, and shall do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees. Nothing in this Section shall apply to employment in private domestic service or to agricultural field occupations."

Maine
Maine Revised Statutes Annotated
Title 22. Health and Welfare
Subtitle 2. Health
Part 3. Public Health
Chapter 258-A. Board of Pesticides Control
§ 1471-M. Powers of board
"3. Hazard communication and community right to know. The board shall assist the Director of the Bureau of Labor Standards in providing education and training to aid agricultural employers in complying with the federal Occupational Safety and Health Administration requirements for hazard communication and shall assist the responsible state agencies in providing education and training to aid agricultural employers in complying with the federal requirements for emergency and hazardous chemical inventory forms and community right-to-know reporting."
§ 580. Standards

“It is declared the public policy of the State of Maine that all workers engaged in agricultural labor in the State shall be protected from hazards to their safety or health and that working conditions shall be maintained that will be reasonably free of hazards to their safety and health.”

§ 586. Agricultural labor housing standards

“The bureau shall adopt rules for the protection of the health, safety and welfare of the agricultural laborers and their families who occupy housing provided, owned or controlled by their employers. These rules apply only to housing facilities of employers of agricultural labor who provide housing to more than 5 employees and whose minimum housing habitability standards are not already established under the regulations on housing promulgated by the United States Department of Labor, Occupational Safety and Health Administration under the federal Migrant and Seasonal Agricultural Worker Protection Act, 29 United States Code, Sections 1801 et seq. The rules adopted under this subchapter must be identical to the federal housing habitability regulations promulgated to protect seasonal and migrant workers under the authority of the federal Migrant and Seasonal Agricultural Worker Protection Act. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.”

§ 401. Liability of employer

“The following employers are not liable under this section for securing the payment of compensation in conformity with this section and sections 402 to 407 with respect to the employees listed, nor deprived of the defenses listed in section 103:

... B. Employers of employees engaged in agriculture or aquaculture as seasonal or casual laborers, if the employer maintains coverage by an employer’s liability insurance policy with total limits of not less than $25,000 and medical payment coverage of not less than $5,000.

(1) As used in this subsection, “casual” means occasional or incidental. “Seasonal” refers to laborers engaged in agricultural or aquacultural employment beginning at or after the commencement of the planting or seeding season and ending at or before the completion of the harvest season; and

C. Employers of agricultural or aquacultural laborers, if:

... (3) The employer has 6 or fewer agricultural or aquacultural laborers or the employer has more than 6 such laborers but the total number of hours worked
by all such laborers in a week does not exceed 240 and has not exceeded 240 at any time during the 52 weeks immediately preceding the injury; and

(4) The employer maintains an employer's liability insurance policy with total limits of not less than $100,000 multiplied by the number of full-time equivalent agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than $5,000.”

Massachusetts
Massachusetts General Laws Annotated
Part I. Administration of the Government (Ch. 1-182)
Title XXI. Labor and Industries (Ch. 149-154)
Chapter 149. Labor and Industries

§ 62A. Employment of vocational agricultural students

“The provisions of sections sixty-one and sixty-two prohibiting the employment of certain minors shall not prohibit the employment of minors fourteen years of age and older to operate, or to assist in the operation of, small power equipment of the kind utilized by home gardeners nor shall it prohibit the operation of a farm tractor operated on a farm; provided, that such minors under the age of sixteen have been certified as having satisfactorily completed a training program in vocational agriculture by the department of education. The provisions of section sixty-two shall not prohibit the employment of minors sixteen years of age or older, consistent with federal law; provided, that such minors are enrolled in a course of study and training in a co-operative vocational training program, including co-operative agricultural programs, under a state or local authority; and provided, further, that such minors are employed under written agreements, that the work of such minors shall be incidental to their training, that such work shall be intermittent and for short periods of time, shall be under the direct and close supervision of a qualified and experienced person and that safety instruction given in any such course shall be correlated by the employer with on-the-job training. The provisions of sections sixty-one and sixty-two prohibiting the employment of certain minors shall not prohibit the employment of minors who are graduates of trade or vocational high schools; provided that such minors are employed in the same occupation as they were trained for in such trade or vocational school.”

Massachusetts General Laws Annotated
Part I. Administration of the Government (Ch. 1-182)
Title XXI. Labor and Industries (Ch. 149-154)
Chapter 151. Minimum Fair Wages

§ 1A. Overtime pay; excluded employments

“Except as otherwise provided in this section, no employer in the commonwealth shall employ any of his employees in an occupation, as defined in section two, for a work week longer than forty hours, unless such employee receives compensation for his employment in excess of forty hours at a rate not less than one and one half times the regular rate at which he is employed.

This section shall not be applicable to any employee who is employed:--

... (19) as a laborer engaged in agriculture and farming on a farm.”

Mississippi
West’s Annotated Mississippi Code
Title 71. Labor and Industry
Chapter 3. Workers' Compensation
General Provisions

§ 71-3-5. Employers subject to statute; proof of insurance

"Domestic servants, farmers and farm labor are not included under the provisions of this chapter [Ch. 3, Worker's Compensation], but this exemption does not apply to the processing of agricultural products when carried on commercially."

Missouri
Vernon's Annotated Missouri Statutes
Title XVIII. Labor and Industrial Relations
Chapter 288. Employment Security

288.032. Employer defined, exceptions

"1. After December 31, 1977, “employer” means:

(1) Any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of one thousand five hundred dollars or more except that for the purposes of this definition, wages paid for “agricultural labor” as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and for “domestic services” as defined in subdivisions (2) and (13) of subsection 12 of section 288.034 shall not be considered;

(2) Any employing unit which for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day); except that for the purposes of this definition, services performed in “agricultural labor” as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and in “domestic services” as defined in subdivisions (2) and (13) of subsection 12 of section 288.034 shall not be considered."

Vernon's Annotated Missouri Statutes
Title XVIII. Labor and Industrial Relations
Chapter 288. Employment Security

288.034. Employment defined

"12. The term “employment” shall not include:

(1) Service performed by an individual in agricultural labor.”

Montana
West's Montana Code Annotated
Title 39. Labor
Chapter 3. Wages and Wage Protection
Part 4. Minimum Wage and Overtime Compensation

39-3-406. Exclusions

“(1) The provisions of 39-3-404 [Minimum Wage] and 39-3-405 [Overtime Compensation] do not apply with respect to:

(h) an employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways that are not owned or operated for profit, that are not operated on a sharecrop basis, and that are used exclusively for supply and storing of water for agricultural purposes;
(i) an employee employed in agriculture by a farmer, notwithstanding other employment of the employee in connection with livestock auction operations in which the farmer is engaged as an adjunct to the raising of livestock, either alone or in conjunction with other farmers, if the employee is:

(i) primarily employed during a workweek in agriculture by a farmer; and

(ii) paid for employment in connection with the livestock auction operations at a wage rate not less than that prescribed by 39-3-404.’’

West’s Montana Code Annotated
Title 39. Labor
Chapter 71. Workers’ Compensation
39-71-118. Employee, worker, volunteer, volunteer firefighter, and volunteer emergency medical technician defined

“(2) The terms defined in subsection (1) do not include a person who is:

(d) performing temporary agricultural work for an employer if the person performing the work is otherwise exempt from the requirement to obtain workers’ compensation coverage under 39-71-401(2)(r) with respect to a company that primarily performs agricultural work at a fixed business location or under 39-71-401(2)(d) and is not required to obtain an independent contractor’s exemption certificate under 39-71-417 because the person does not regularly perform agricultural work away from the person’s own fixed business location. For the purposes of this subsection, the term “agricultural” has the meaning provided in 15-1-101(1)(a).”

Nebraska
West’s Revised Statutes of Nebraska Annotated
Chapter 81. State Administrative Departments
Article 15. Environmental Protection
(s) Nebraska Emergency Planning and Community Right to Know Act
81-15,223. Material safety data sheet

“(1) The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under the act shall submit a material safety data sheet for each such chemical meeting threshold quantity requirements under regulations promulgated under Title III or shall submit a list of chemicals to:

(a) The local emergency planning committee for the emergency planning district in which the facility is located;

(b) The commission coordinator for information; and

(c) The fire department with jurisdiction over the facility.

...

(7) For purposes of this section, hazardous chemical does not include:

(e) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer.”

North Dakota
West’s North Dakota Century Code Annotated
Title 65. Workforce Safety and Insurance
Chapter 65-01. General Provisions
§ 65-01-02. Definitions

20. “Hazardous employment” means any employment in which one or more employees are employed regularly in the same business or in or about the establishment except:

a. Agricultural or domestic service.”

Ohio

Baldwin’s Ohio Revised Code Annotated

Title XXXVII. Health--Safety--Morals

Chapter 3733. Manufactured Home Parks; Marinas; Agricultural Labor Camps

Agricultural Labor Camps

3733.43 License required; denial, suspension, revocation; fees

“(A) Except as otherwise provided in this division, prior to the fifteenth day of April in each year, every person who intends to operate an agricultural labor camp shall make application to the licensor for a license to operate such camp, effective for the calendar year in which it is issued.

(B) Any license under this section may be denied, suspended, or revoked by the licensor for violation of sections 3733.41 to 3733.49 of the Revised Code or the rules adopted thereunder. Unless there is an immediate serious public health hazard, no denial, suspension, or revocation of a license shall be made effective until the person operating the agricultural labor camp has been given notice in writing of the specific violations and a reasonable time to make corrections.

(D) Every occupant of an agricultural labor camp shall keep that part of the dwelling unit, and premises thereof, that the occupant occupies and controls in a clean and sanitary condition.”

3733.49 Migrant agricultural ombudsperson; qualifications; duties

“(A) There is hereby established under the authority of the director of job and family services the office of the migrant agricultural ombudsperson.

(B) The migrant agricultural ombudsperson shall:

... (7) Submit an annual report to the president of the senate, the speaker of the house of representatives, and the members of the minority leadership of the senate and house of representatives on or before the thirtieth day of June of each year describing migrant agricultural labor conditions found by the ombudsperson’s office, along with an assessment of the effect of existing law on migrant agricultural labor and labor camps and any recommendations for change. The report shall contain a compilation of the kinds of complaints received and recommendations for any changes in the laws or rules that the ombudsperson considers necessary or desirable.”

Baldwin’s Ohio Revised Code Annotated

Title XXXVII. Health--Safety--Morals

Chapter 3750. Emergency Planning

3750.05 Applicability; facility representatives; notice of applicability; provision of information; agricultural producer exemption

“(D) An agricultural producer who has complied with section 302 of the “Emergency Planning and Community Right-To-Know Act of 1986,” 100 Stat. 1730, 42 U.S.C.A. 11002, and divisions (B) and (C) of this section is not subject to the requirements of sections 3750.07[“Owner or operator to submit list of hazardous chemicals; request for material safety data sheet] and 3750.08 [“Emergency and hazardous chemical inventory form to be submitted] of the Revised Code nor to the payment of filing fees under division (A) of section 3750.13 of the Revised Code with respect to his agricultural production activities.”
Ohio Revised Code Annotated
Title XLI. Labor and Industry
Chapter 4111. Minimum Fair Wage Standards
General Provisions
4111.03 Overtime pay; county employees affected; exception
   “Any employee employed in agriculture shall not be covered by the overtime provision of this section.”

Oklahoma Statutes Annotated
Title 40. Labor
Chapter 1. Employment Security Act of 1980
Article 1. General Provisions and Definitions
Part 2. General Definitions
§ 1-210. Employment
   “Employment” means:
   (5) Service performed by an individual in agricultural labor as defined in subparagraph (a) of paragraph (15) of this section when:
      (a) the service is performed for a person who:
         (i) during any calendar quarter in either the calendar year or the preceding calendar year, paid remuneration in cash of Twenty Thousand Dollars ($20,000.00) or more to individuals employed in agricultural labor; or
         (ii) for some portion of a day in each of twenty (20) different calendar weeks, whether or not the weeks were consecutive, in either the calendar year or the preceding calendar year, employed in agricultural labor ten or more individuals, regardless of whether they were employed at the same moment of time.
   (15) The term “employment” shall not include:
      (a) services performed by an individual in agricultural labor, except as provided under paragraph (5) of this section. Services performed by an individual who is a nonresident alien admitted to the United States to perform agricultural labor, pursuant to 8 U.S.C. Sections 1101(a), 1184(c) and 1188. For purposes of this subparagraph, the term “agricultural labor” means remunerated service performed in agricultural labor as defined in the Federal Unemployment Tax Act, 26 U.S. C., Section 3306(k).”

Oklahoma Statutes Annotated
Title 40. Labor
§ 402. Occupational health and safety--Definitions
   “As used in the Oklahoma Occupational Health and Safety Standards Act:
   9. “Employment” includes all services for pay pursuant to a contract of hire except service in agricultural employment.”
§ 403. Employer’s duties and responsibilities
“A. Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees, commensurate with the Occupational Safety and Health Act of 1970.

... 
E. Every employer having twenty-five (25) or more full- or part-time employees shall:
  2. Provide safety classes to each type or class of employee no less than quarterly, except that public schools shall only be required to provide safety classes or instruction to their employees during the school year. Provided further, public school employees who are certified personnel and are in compliance with federal OSHA occupational safety and health standards shall be exempt from such safety classes or instruction and shall not be included in the computation of the number of employees set forth in subsection E of this section for determining the requirement of such safety classes or instruction.”

§ 414. Occupational safety and health consultation program for private employers
“A. The Commissioner shall not assert enforcement jurisdiction pursuant to Section 401 et seq. of this title over any occupational safety or health issue with respect to which a federal standard has been issued pursuant to Section (6) of Public Law 91-596, also known as the Williams-Steiger Occupational Safety and Health Act of 1970.”

Pennsylvania
Purdon’s Pennsylvania Statutes and Consolidated Statutes
Title 3 P.S. Agriculture
Chapter 24. Farm Safety and Occupational Health Act
“Establishes the Farm Safety and Occupational Health Advisory Board to make recommendations for and monitor farm safety and occupational health programs. The secretary shall establish a farm safety and occupational health program, to be known as the Farm Safety and Occupational Health Program, to educate and train farmers, members of farm families, farm laborers, others involved in agricultural production and emergency service providers in the recognition, avoidance and prevention of and emergency response to farm accidents and occupational injuries and diseases.”

Purdon’s Pennsylvania Statutes and Consolidated Statutes
Title 35 P.S. Health and Safety
Chapter 41. Worker and Community Right-To-Know Act
§ 7304. Obligation of suppliers
“(c) Contents of Material Safety Data Sheets. —
  (8) The permissible exposure level, threshold limit value, short-term, ceiling and other established limit values as set by OSHA, National Institute of Occupational Safety and Health, American Industrial Hygiene Association and American Conference of Governmental Industrial Hygienists.
(g) Agricultural mixtures.--When a farm supplier combines one or more chemicals for agricultural use, the farm supplier may substitute all Material Safety Data Sheets for the ingredients in the mixture in lieu of preparing a new MSDS.”

Purdon’s Pennsylvania Statutes and Consolidated Statutes
Title 43 P.S. Labor
Chapter 14. Unemployment Compensation Law
Article I. Preliminary Provisions
§ 753. Definitions

“(l) (1) “Employment” means all personal service performed for remuneration by an individual under any contract of hire, express or implied, written or oral, including service in interstate commerce, and service as an officer of a corporation. (2) The term “Employment” shall include an individual's entire service performed within or both within and without this Commonwealth, if—

... (G) Notwithstanding any other provisions of this act, service performed after December 31, 1977, by an individual in agricultural labor as defined in section 4(l)(4)(1) when:

(a) Such service is performed for a person who—

(1) during any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1982, by an alien referred to in section 4(l)(3)(G)(a.1) or 4(l)(2)(G)(a.1)); or

(2) for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1982, by an alien referred to in section 4(l)(3)(G)(a.1)) ten or more individuals, regardless of whether they were employed at the same moment of time.

(4) The word “employment” shall not include—

(1) Agricultural labor which shall include all services performed except those services defined in 4(l)(3)(G)—

...”

South Dakota
South Dakota Codified Laws
Title 32. Motor Vehicles
Chapter 32-12. Driver Licenses and Permits

32-12-12. Restricted minor’s permit—Restrictions on operation

“A restricted minor's permit may be issued, upon application and payment of the proper fees as provided in § 32-12-16, to a minor at least fourteen years of age but less than eighteen years of age who has successfully passed all applicable tests and completed the requirements of an instruction permit as provided in § 32-12-11 or 32-12-11.1 and has not been convicted of a traffic violation during the past six months... The restrictions as to time of operation and operation under the direction of a parent or guardian do not apply to the holder of a valid restricted minor's permit operating a self-propelled agricultural machine which is not subject to registration under chapter 32-5...”

South Dakota Codified Laws
Title 38. Agriculture and Horticulture
Chapter 38-21. Agricultural Pesticide Application
38-21-40. Certification required for use of restricted-use pesticides--Restrictions--Criteria--Penalty for violation

“No person may use any restricted-use pesticide without that person first complying with the certification requirements of this chapter or such other restrictions as may be determined by the secretary of agriculture, pursuant to § 38-21-39, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use...”

South Dakota Codified Laws
Title 60. Labor and Employment
Chapter 60-12. Child Labor--Discrimination on Basis of Sex

60-12-3. Prohibited employment or exploitation of minors--Separate age limit for pumping fuel--Misdemeanor--Employment by parents excepted--License, permit, or certificate for agricultural employment

“No child under sixteen years of age may be employed at any time in any occupation dangerous to life, health, or morals, nor may any child be in any manner exploited by any employer. However, it is permissible to employ children over fourteen years of age to dispense gasoline, gasohol, diesel fuel, and oil at gasoline service establishments. Violation of this section is a Class 2 misdemeanor. This section does not apply to minors employed by their parents or to minors who have successfully completed a safety course and received a license, permit, or certificate from a state or federal agency to operate agricultural equipment or otherwise to be employed in any occupation in an agricultural occupation within the scope of the license, permit, or certificate.”

Texas
Vernon's Texas Statutes and Codes Annotated
Agriculture Code
Title 5. Production, Processing, and Sale of Horticultural Products
Subtitle G. Workplace Chemicals

Chapter 125. Agricultural Hazard Communication Act

“This chapter is intended to assure that accessibility to information regarding chemicals covered by this chapter be provided to agricultural laborers who may be exposed to those chemicals in agricultural workplaces, to certain emergency service organizations responsible for dealing with chemical hazards during emergency situations when those chemicals are in close proximity to residential areas, and to the department to make the information available to the general public through specific procedures.”

§ 125.002. Definitions

“(10) “Material safety data sheet” (“MSDS”) means a document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the Occupational Safety and Health Administration (OSHA) standard for that document or, in the case of a chemical labeled under the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136 et seq.) for which an MSDS is both unavailable and not required under the federal OSHA’s hazard communication standard, a product label or other equivalent document with precautionary statements, such as hazards to humans and domestic animals, and environmental, physical, or chemical hazards, including warning statements.”

Vernon's Texas Statutes and Codes Annotated
§ 502.002. Findings; Purpose

“(a) The legislature finds that:

(1) the health and safety of persons working in this state may be improved by providing access to information regarding hazardous chemicals to which those persons may be exposed during normal employment activities, during emergency situations, or as a result of proximity to the manufacture or use of those chemicals; and

(2) many employers in this state have established suitable information programs for their employees and that access to the information is required of most employers under the federal Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard.

(b) It is the intent and purpose of this chapter to assure that employers provide information regarding hazardous chemicals in the workplace to employees who may be exposed to those chemicals in their workplace."

§ 502.004. Applicability of Chapter

“(c) If an employer is covered by both this chapter and Chapter 125, Agriculture Code, the employer is required to comply only with this chapter.”

§ 505.004. Definitions

“(13) “Hazardous chemical” has the meaning given that term by 29 CFR 1910.1200(c), except that the term does not include:

…

(E) any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer.

(14) “Health hazard” has the meaning given that term by the OSHA standard (29 CFR 1910.1200(c)).

(18) “Material safety data sheet” or “MSDS” means a document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the OSHA standard for that document.

(19) “OSHA standard” means the Hazard Communication Standard issued by the Occupational Safety and Health Administration and codified as 29 CFR Section 1910.1200.

(20) “Physical hazard” means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive in terms defined in the OSHA standard.”
Chapter 506. Public Employer Community Right-To-Know Act

§ 506.004. Definitions

“(13) “Hazardous chemical” has the meaning given that term by 29 CFR 1910.1200(c), except that the term does not include:

... (E) any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer.

(14) “Health hazard” has the meaning given that term by the OSHA standard (29 CFR 1910.1200(c)).

(18) “Material safety data sheet” or “MSDS” means a document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the OSHA standard for that document.

(19) “OSHA standard” means the Hazard Communication Standard issued by the Occupational Safety and Health Administration and codified as 29 CFR Section 1910.1200.

(20) “Physical hazard” means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive in terms defined in the OSHA standard.”

Vernon’s Texas Statutes and Codes Annotated
Health and Safety Code
Title 6. Food, Drugs, Alcohol, and Hazardous Substances
Subtitle D. Hazardous Substances
Chapter 507. Nonmanufacturing Facilities Community Right-To-Know Act

§ 507.004. Definitions

“(13) “Hazardous chemical” has the meaning given that term by 29 CFR 1910.1200(c), except that the term does not include:

... (E) any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer.

(14) “Health hazard” has the meaning given that term by the OSHA standard (29 CFR 1910.1200(c)).

(18) “Material safety data sheet” or “MSDS” means a document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the OSHA standard for that document.

(19) “OSHA standard” means the Hazard Communication Standard issued by the Occupational Safety and Health Administration and codified as 29 CFR Section 1910.1200.

(20) “Physical hazard” means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive in terms defined in the OSHA standard.”

Vernon’s Texas Statutes and Codes Annotated
Occupations Code
Title 8. Regulation of Environmental and Industrial Trades
Chapter 1305. Electricians
Subchapter A. General Provisions

§ 1305.003. Exemptions; Application of Chapter

“(a) This chapter does not apply to:

...
(18) electrical work performed on a building, structure, or equipment in agricultural use as defined by Section (a) 11.002, Water Code, other than the processing of an agricultural commodity.”

Vernon’s Texas Statutes and Codes Annotated
Government Code
Title 10. General Government
Subtitle G. Economic Development Programs Involving Both State and Local Governments
Chapter 2306. Texas Department of Housing and Community Affairs
Subchapter LL. Migrant Labor Housing Facilities
§ 2306.922. License Required
“A person may not establish, maintain, or operate a migrant labor housing facility without obtaining a license from the department.”

§ 2306.931. Enforcement; Adoption of Rules
“(a) The department shall enforce this subchapter.
(b) The board shall adopt rules to protect the health and safety of persons living in migrant labor housing facilities.
(c) The board by rule shall adopt standards for living quarters at a migrant labor housing facility, including standards relating to:
   (1) construction of the facility; (2) sanitary conditions; (3) water supply; (4) toilets; (5) sewage disposal; (6) storage, collection, and disposal of refuse; (7) light and air; (8) safety requirements; (9) fire protection; (10) equipment; (11) maintenance and operation of the facility; and (12) any other matter appropriate or necessary for the protection of the health and safety of the occupants.”

West Virginia
West’s Annotated Code of West Virginia
Chapter 21. Labor
Article 3. Safety and Welfare of Employees
§ 21-3-18. Hazardous chemical substances; notice to employees; reports to commissioner; penalties
“(a) It is declared the policy of this State to require employers to disclose to employees the hazards of exposure in the work place to hazardous or toxic chemical substances and materials. ...
(f) The provisions of this section shall not apply to any coal mine, coal mining or coal processing plant, and any agricultural or horticultural activity, and any such mine, plant or activity is hereby exempted from the provisions of this section.”

West’s Annotated Code of West Virginia
Chapter 23. Workers’ Compensation
Article 2. Employers and Employees Subject to This Chapter; Extranetorial Coverage
§ 23-2-1. Employers subject to chapter; elections not to provide certain coverages; notices; filing of business registration certificates
“(a) …All persons, firms, associations and corporations regularly employing another person …are required to…pay…taxes into the workers’ compensation fund…”
(b) The following employers are not required to subscribe to the fund, but may elect to do so:
   (2) Employers of five or fewer full-time employees in agricultural service.”
Wisconsin
West’s Wisconsin Statutes Annotated
Higher Education (Ch. 36 to 39)
Chapter 36. University of Wisconsin System
36.25. Special programs
“(32) Agricultural safety and health center.
(a) The board shall establish an agricultural safety and health center in the extension. The center shall do all of the following:
1. Develop curriculum and materials for a tractor and machine operation safety training course for persons who are at least 12 years of age but under 18 years of age that is equivalent to the requirements, other than age, specified under 29 CFR 570.70 to 570.72.
2. Perform instructor training and coordination necessary to provide a statewide program of tractor and machinery operation safety training to persons who are at least 12 years of age but under 18 years of age and certification of persons successfully completing such training.
3. Develop and disseminate educational and informational materials and present programs on farm safety and health topics.”

West’s Wisconsin Statutes Annotated
Employment, Compensation and Mining (Ch. 101 to 109)
Chapter 101. Department of Safety and Professional Services—Regulation of Industry, Buildings and Safety
Subchapter I. Regulation of Industry: General Provisions
101.05. Exempt buildings and projects
“(1) No building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes.”

101.581. Notice requirements
“(2) Agricultural employer. An agricultural employer who uses pesticides shall post in a prominent place in the workplace a sign which informs employees that the agricultural employer is required, upon request, to provide an employee or employee representative with access to the information contained on the label of any pesticide with which the employee works or to which the employee is likely to be exposed.
(3) Minor employee. If an employee is a minor, an employer or agricultural employer shall send to the employee’s parent or guardian, at the address provided by the employee, notice of the employee’s rights under sub. (1) or (2).”

101.586. Pesticide information requirements; employer or agricultural employer to employee
“Within 72 hours of a request from an employee or employee representative, exclusive of weekends and legal holidays, an employer or agricultural employer shall provide the requesting employee or employee representative with access to the container label or the information required by the federal environmental protection agency or the department of agriculture, trade and consumer protection to be on the container label, for any pesticide with which the employee works or to which the employee is likely to be exposed.”
101.595. Employee rights
“(1) Not to work with toxic substance, infectious agent or pesticide. Except as provided in ss. 101.589(3) and 101.592, if an employee has requested information about a toxic substance, infectious agent or pesticide under s. 101.583, 101.585 or 101.586 and has not received the information required to be provided under s. 101.583, 101.585, 101.586 or 101.589(1) or (2), the employee may refuse to work with or be exposed to the toxic substance, infectious agent or pesticide until such time as the employer or agricultural employer supplies the information under s. 101.583, 101.585 or 101.586 to the employee who has made the request.”

101.597. Education and training programs
“(2) By agricultural employer; pesticide. Prior to an agricultural employee’s initial assignment to a workplace where the employee may be routinely exposed to a pesticide, an agricultural employer shall provide the employee with an education or training program under sub. (5)(c). The agricultural employer shall provide additional instruction whenever the employee may be routinely exposed to any additional pesticide.”

***Throughout the statute are provisions related to deference to the Occupational Safety and Health Administration.***

West’s Wisconsin Statutes Annotated
Police Regulations (Ch. 163 to 177)
Chapter 167. Safeguards of Persons and Property
167.12. Safety appliances
“Any person, firm, or corporation who shall sell, offer or expose for sale, or use any machine to be operated by steam, or other power, for the purpose of husking or shredding corn or corn stalks shall provide such machine with safety or automatic feeding devices for the protection from accident by the snapping rollers, husking rollers, and shredding knives of any person using or operating such machine in the discharge of their duty, and such machine shall be so guarded that the person feeding said machine shall be compelled to stand at a safe distance from the snapping rollers; and any person, firm, or corporation operating such machine shall maintain thereon such safety or automatic feeding devices...”

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