

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative McGinnis**

A Bill ACT 189 OF 1991

HOUSE BILL 1244

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §2-19-202 TO ALLOW THE
9 STATE PLANT BOARD TO ELIMINATE THE REGISTRATION OF ALL
10 FERTILIZER FORMULAS PRIOR TO SALE, EXCEPT FOR SPECIALTY
11 FERTILIZER, AND TO CREATE A LICENSE CATEGORY FOR CUSTOM
12 FERTILIZER BLENDING OR BULK STORAGE FACILITIES; TO AMEND
13 ARKANSAS CODE §2-19-203 TO MAKE IT UNLAWFUL TO BLEND
14 FERTILIZERS EXCEPT AT A LICENSED FERTILIZER BLENDING OR
15 BULK STORAGE FACILITY; AND FOR OTHER PURPOSES."

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code §2-19-202 is hereby amended to read as
20 follows:

21 "2-19-202. Registration required for fertilizer brands and materials--
22 Licensing required for fertilizer blending and storage facilities.

23 (a) (1) All manufacturers, jobbers, and manipulators of commercial
24 fertilizers and of fertilizer materials to be used in the manufacture of
25 fertilizer, who may desire to sell or offer for sale in Arkansas fertilizer
26 and fertilizer materials, shall first file for registration with the State
27 Plant Board, upon forms furnished by the board. The forms shall include the
28 name of the brand of each fertilizer, fertilizer materials, or chemicals which
29 they may desire to sell in the state, either by themselves or their agents,
30 together with the names and addresses of the manufacturers or manipulators,
31 and such other information as may be required by the board in its regulations.
32 A registrant shall not be required to register each grade of fertilizer that
33 is formulated but shall report the mixed formulations on a monthly basis as
34 required by Arkansas Code §2-19-209.

35

1 (2) All registrations must be approved by the board or its
2 authorized agent before being effective.

3 (3) Registrations may be canceled by the board for repeated
4 flagrant violations of this subchapter, after notice and a hearing.

5 (4) Each commercial fertilizer registrant shall report the
6 guaranteed analysis by net weight of each registered fertilizer brand and the
7 name and address of the registrant. No guaranteed analysis of complete
8 fertilizer shall be allowed indicating fractional units of primary plant food.
9 Provided, however, raw materials may be registered under a guarantee of the
10 actual plant food content. In the case of bone meal, the phosphoric acid
11 content shall be stated as a total, and its actual nitrogen content shall be
12 stated. In the case of rock phosphate, both the total and available
13 phosphoric acid content shall be stated.

14 (b) All manufacturers, jobbers, blenders, and manipulators of
15 commercial fertilizers and of fertilizer materials to be used in the
16 manufacture of fertilizer, who may desire to sell or offer for sale in
17 Arkansas fertilizer or fertilizer materials, shall first obtain a facility
18 license from the State Plant Board for each fertilizer blending or bulk
19 storage facility which they operate. After notice and hearing, the board
20 shall, by regulation, promulgate the standards and criteria which it
21 determines are necessary to license fertilizer blending or bulk storage
22 facilities.

23 (c) (1) (A) The board may, under its regulations, set and collect
24 reasonable fertilizer brand registration and facility licensing fees.

25 (B) The fees shall be deposited in the State Plant Board
26 Fund of the State Treasury.

27 (2) All registrations shall expire on June 30 of each year.

28 (d) Any commercial fertilizer sold must contain a minimum of twenty
29 (20) units of primary plant food, except for the following exemptions for
30 special agricultural crop fertilizer formulations and for 'specialty
31 fertilizers':

32 (1) Commercial fertilizers which are needed in special cases for
33 special agricultural crop uses shall be permitted to be sold in less than the
34 combined twenty (20) unit minimum of primary plant food elements. The special
35 agricultural crop use fertilizers with less than the twenty (20) unit minimum

1 shall be permitted for sale only after the fertilizer grade is registered with
2 the State Plant Board. In order to register the fertilizer grade, the
3 applicant shall submit a written justification which shall show the need for
4 such special fertilizer grade and shall include the fertilizer materials to be
5 used in the special agricultural crop fertilizer formulation. The State Plant
6 Board or its designee shall evaluate the formulation based on criteria
7 established by rules and regulations of the board.

8 (2) A 'specialty fertilizer' is any fertilizer distributed
9 primarily for nonfarm use, such as for home gardens, lawns, shrubs, flowers,
10 golf courses, municipal parks, cemeteries, greenhouses, and nurseries. It may
11 include fertilizers used for research or experimental purposes."

12

13 SECTION 2. Arkansas Code §2-19-203 is hereby amended to read as
14 follows:

15 "2-19-203. Sale of unregistered fertilizer.

16 (a) It shall be unlawful for any manufacturer, individual, corporation,
17 or company, either by themselves or agents, to sell or offer for sale in this
18 state any fertilizer brand or fertilizer materials that have not been
19 registered with and the registration approved by the State Plant Board or its
20 authorized representative, as required by this subchapter.

21 (b) The fact that the purchaser waives the inspection and analysis
22 thereof shall be no protection to the party selling or offering for sale
23 fertilizer brands or fertilizer materials.

24 (c) It shall be unlawful for any manufacturers, jobbers, blenders, and
25 manipulators of commercial fertilizers and of fertilizer materials whether an
26 individual, corporation, or company, either by themselves or by their agents,
27 to sell or offer for sale in this state any fertilizer brand or fertilizer
28 materials that were manufactured at an unlicensed fertilizer blending or bulk
29 storage facility, as required by this subchapter."

30

31 SECTION 3. All provisions of this act of general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

34

35 SECTION 4. Severability. In the event any provision of this act is

1 declared or adjudged to be invalid or unconstitutional, such declaration or
2 adjudication shall not affect the remaining portions of this act which can be
3 given effect without the invalid or unconstitutional provision. The remaining
4 portions of this act shall remain in full force and effect as if the portion
5 declared or adjudged invalid or unconstitutional was not originally a part of
6 the act.

7

8 SECTION 5. All laws and parts of laws in conflict with this act are
9 hereby repealed.

10

11

APPROVED: 2-19-91

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29