

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 924

BY: MUEGGE of the SENATE

and

LEIST of the HOUSE

AS INTRODUCED

AN ACT RELATING TO AGRICULTURE; AMENDING 2 O.S. 1991,  
SECTION 8-61, WHICH RELATES TO FERTILIZER;  
MODIFYING DEFINITIONS; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 1991, Section 8-61, is amended to read as follows:

Section 8-61. When used in this act:

1. "Fertilizer material" means any substance containing nitrogen, phosphoric acid, potash, or any recognized plant food element or compound including but not limited to sludge which means any and every substance or mixture of substances in liquid, semi-solid, or solid state from wastewater treatment processes that is disposed of by land application and anhydrous ammonia which is used primarily for its plant food content or for compounding mixed fertilizers, except unmanipulated manures, and manipulated manures which are subject to the provisions of Section 2 8-61.a of this act title.

2. "Mixed fertilizer" means any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

3. "Commercial fertilizer" includes mixed fertilizer and/or fertilizer materials.

4. "Specialty fertilizer" means any commercial fertilizer distributed primarily for use on lawns, home gardens, flowers, shrubs, golf courses, or for any other nonagricultural use.

5. "Bulk fertilizer" means commercial fertilizer delivered to the purchaser in the solid or liquid state, in a nonpackaged form.

6. "Brand" means a term designed or trademark used in connection with one or several grades of commercial fertilizer.

7. "Grade" means the minimum percentage of total nitrogen, available phosphoric acid, and soluble potash stated in the order given in this definition and, when applied to mixed commercial fertilizers, shall be in whole numbers only.

8. "Official sample" means any sample of commercial fertilizer taken by the Board or any authorized agent thereof.

9. "Ton" means a net weight of two thousand (2,000) pounds avoirdupois.

10. "Percent" or "percentage" means the percentage by weight.

11. "Person" includes any individual, partnership, association, firm, corporation, company, or organized group of persons whether or not incorporated or any other legal entity.

12. "Distributor" means any person who offers for sale, sells, barter, or otherwise supplies commercial fertilizer in this state except brokers or final users.

13. "Registrant" means the person, firm, or corporation registering commercial fertilizer pursuant to the provisions of this act.

14. "Manufacturer" means a person engaged in the business of preparing, mixing, commingling, or manufacturing commercial fertilizers.

15. "Label" means the written, printed, or graphic matter on or attached to the immediate container, or in the case of bulk goods, accompanying transportation of a lot of commercial fertilizer.

16. "Soil amendment" shall include any and every substance or mixture of substances not previously defined, manufactured, prepared, or sold for manurial, soil-enriching, or soil-corrective purposes or intended to be used for promoting or stimulating the growth of plants, increasing the productivity of plants, improving the quality of crops or producing any chemical, biological, or physical change. If a product is registered under such soil amendment, the product shall not be subject to the provisions of this act.

17. "Unmanipulated manures" means substances composed primarily of excreta, plant remains, or mixtures of such substances which have not been processed in any manner.

18. "Manipulated manures" means substances composed primarily of animal excreta, plant remains or mixtures of such substances which have been processed by natural or mechanical drying or composting but to which no chemicals have been added.

19. "Board" means the Oklahoma State Board of Agriculture.

20. "Use" means transportation, storage, mixing, application, and disposal of a commercial fertilizer or fertilizer container and any other specific instructions contained on the label or associated labeling.

21. "Application" means the advertising of services, recommendation for use, the preparation for application or the physical act of application of a commercial fertilizer.

22. "License" means a written document issued to a person by the Board which shows that the person has met all of the licensing requirements established by this act.

23. "Custom blend" means a fertilizer formulated according to specifications furnished by a final consumer.

24. "Custom blender" means a person who mixes or commingles commercial fertilizer into a custom blend and who distributes such special blend. A custom blender shall not be required to register each grade of fertilizer formulated according to specifications which are furnished by a final consumer prior to mixing, but shall be required to license his firm and to label such fertilizer as provided in Section 8-62 of this title.

25. "Manufacture" means the process of preparing, mixing, or commingling, or manufacturing a commercial fertilizer.

26. "Broker" means a person who negotiates sales and purchases between a manufacturer and a distributor, final consumer or a specialty fertilizer retailer, of the commercial fertilizer, whether he takes possession or not, and who does not alter, mix, or process fertilizer.

27. "Guarantor" means that person who is responsible to the Board for any claims or guarantees associated with the manufacture, distribution, and use of a commercial fertilizer.

28. "Fertilizer dealer" means any person operating a business that is engaged in the distribution, use, or sale of a commercial fertilizer, as defined by this act, who is required to obtain a license from the Board for each business location. The term fertilizer dealer shall not include an ultimate consumer who is engaged in the physical act of application of a commercial fertilizer or a retail store selling only bagged registered commercial fertilizer.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

