

**As Introduced**

**126th General Assembly  
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**H. B. No. 232**

**Representatives Mason, Allen, Brown, Chandler, Distel, Ujvagi, Key,  
S. Patton, Bocchieri, Miller, Strahorn, Yuko, Sykes, DeBose, Harwood**

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**A B I L L**

To amend sections 905.31, 905.34, and 905.99 and to 1  
enact section 905.341 of the Revised Code to 2  
define "restricted fertilizer" and require that a 3  
distributor of a restricted fertilizer be 4  
registered with the Director of Agriculture, 5  
obtain identification from persons making 6  
purchases, and maintain specified records of 7  
sales. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 905.31, 905.34, and 905.99 be 9  
amended and section 905.341 of the Revised Code be enacted to read 10  
as follows: 11

**Sec. 905.31.** As used in sections 905.31 to 905.501 of the 12  
Revised Code: 13

(A) "Applicant" means the person who applies for the license 14  
or requests registration of a fertilizer. 15

(B) "Brand name" means a name or expression, design, or 16  
trademark used in connection with one or several grades of any 17  
type of fertilizer. 18

(C) "Bulk fertilizer" means any type of fertilizer in solid, liquid, or gaseous state, or any combination thereof, in a nonpackaged form.

(D) "Distribute" means to offer for sale, sell, barter, or otherwise supply fertilizer for other than manufacturing purposes.

(E) "Fertilizer" means any substance containing nitrogen, phosphorus, or potassium or any recognized plant nutrient element or compound that is used for its plant nutrient content or for compounding mixed fertilizers. Lime, limestone, marl, unground bone, water, and unmanipulated animal and vegetable manures are excepted unless mixed with fertilizer materials.

(F) "Grade" means the percentages of total nitrogen, available phosphorus or available phosphate ( $P_2O_5$ ), and soluble potassium or soluble potash ( $K_2O$ ) stated in the same terms, order, and percentage as in guaranteed analysis.

(G) "Guaranteed analysis" means:

(1) The minimum percentages of plant nutrients claimed in the following order and form:

Total Nitrogen (N)	per cent	37
Available phosphate ( $P_2O_5$ )	per cent	38
Soluble Potash ( $K_2O$ )	per cent	39

(2) Guaranteed analysis includes, in the following order:

(a) For bone and tankage, total phosphorus (P) or phosphate ( $P_2O_5$ );

(b) For basic slag and unacidulated phosphatic materials, available and total phosphorus (P) or phosphate ( $P_2O_5$ ) and the degree of fineness;

(c) Additional plant nutrients guaranteed expressed as percentage of elements in the order and form as prescribed by rules adopted by the director of agriculture.

(H) "Label" means any written or printed matter on the package or tag attached to it or on the pertinent delivery and billing invoice.

(I) "Manufacture" means to process, granulate, blend, mix, or alter the composition of fertilizers for distribution.

(J) "Mixed fertilizer" means any combination or mixture of fertilizer designed for use, or claimed to have value, in promoting plant growth, including fertilizer pesticide mixtures.

(K) "Net weight" means the weight of a commodity excluding any packaging in pounds or metric equivalent, as determined by a sealed weighing device or other means prescribed by rules adopted by the director.

(L) "Packaged fertilizer" means any type of fertilizer in closed containers of not over one hundred pounds or metric equivalent.

(M) "Per cent" or "percentage" means the percentage of weight.

(N) "Person" includes any partnership, association, firm, corporation, company, society, individual or combination of individuals, institution, park, or public agency administered by the state or any subdivision of the state.

(O) "Product name" means a coined or specific designation applied to an individual fertilizer material or mixture of a fixed composition and derivation.

(P) "Sale" means exchange of ownership or transfer of custody.

(Q) "Official sample" means the sample of fertilizer taken and designated as official by the director.

(R) "Specialty fertilizer" means any fertilizer designed, labeled, and distributed for uses other than the production of

commercial crops.	79
(S) "Ton" means a net weight of two thousand pounds.	80
(T) "Unmanipulated manure" means any substance composed primarily of excreta, plant remains, or mixtures of such substances that have not been processed in any manner.	81 82 83
(U) "Fertilizer material" includes any of the following:	84
(1) A material containing not more than one of the following primary plant nutrients:	85 86
(a) Nitrogen (N);	87
(b) Phosphorus (P);	88
(c) Potassium (K).	89
(2) A material that has not less than eighty-five per cent of its plant nutrient content composed of a single chemical compound.	90 91
(3) A material that is derived from a residue or by-product of a plant or animal or a natural material deposit and has been processed in such a way that its plant nutrients content has not been materially changed except by purification and concentration.	92 93 94 95
(V) "Custom mixed fertilizer" means a fertilizer that is not premixed, but that is blended specifically to meet the nutrient needs of one specific customer.	96 97 98
(W) "Director" or "director of agriculture" means the director of agriculture or the director's designee.	99 100
(X) "Lot" means an identifiable quantity of fertilizer that may be used as an official sample.	101 102
(Y) "Unit" means twenty pounds of fertilizer or one per cent of a ton.	103 104
(Z) "Metric ton" means a measure of weight equal to one thousand kilograms.	105 106

(AA) "Restricted fertilizer" means any fertilizer the 107  
director specifies as restricted due to its potential use for a 108  
purpose other than as a crop fertilizer that could be a threat to 109  
the public safety. "Restricted fertilizer" includes ammonium 110  
nitrate. 111

**Sec. 905.34.** No Except as otherwise required for distributors 112  
of restricted fertilizers under section 905.341 of the Revised 113  
Code, no distributor shall be required to obtain a license if the 114  
manufacturer is licensed under division (A) of section 905.32 of 115  
the Revised Code; or if the manufacturer or distributor is 116  
registered under division (A) of section 905.33 of the Revised 117  
Code. 118

**Sec. 905.341.** (A) No person shall distribute any restricted 119  
fertilizer unless that person annually registers as a restricted 120  
fertilizer distributor with the director of agriculture pursuant 121  
to this section and has available at the business address a 122  
certificate of registration the director provides. 123

(B) Any person registering as a restricted fertilizer 124  
distributor shall provide, on a form the director provides, the 125  
applicant's name and address and the name and address of each 126  
business from which the applicant distributes a restricted 127  
fertilizer. The applicant shall pay the fee the director 128  
establishes by rule for each registered business address. 129

(C) A distributor of a restricted fertilizer shall obtain 130  
from each person to whom a restricted fertilizer is distributed, a 131  
driver's license or other form of government-issued 132  
photo-identification the director approves. The distributor shall 133  
record the license number or other identifying number and any 134  
other information contained on the identification that the 135  
director requires. 136

(D) A distributor of a restricted fertilizer shall maintain 137  
for each registered business location, a record of each 138  
distribution of a restricted fertilizer made from that location. 139  
The record shall include the date of the transaction, the name and 140  
address of the person to whom the product is distributed, the 141  
number and other required information recorded from the drivers 142  
license or photo identification, the amount of the product 143  
distributed, the brand name of the product, and any other 144  
information the director requires. The distributor shall maintain 145  
the records for a minimum of two years after the transaction. The 146  
distributor shall give the director access to these records at any 147  
time. 148

(E) Any person registered pursuant to this section annually 149  
shall submit to the director, by the date the director specifies 150  
and on a form the director provides, a report of the information 151  
obtained pursuant to division (D) of this section during the 152  
reporting period. A registrant shall submit a report for each 153  
registered location whether or not any restricted fertilizer was 154  
distributed from that location during the reporting period. 155

(F) Upon the director's request, the director of public 156  
safety shall provide driver's license records to verify the 157  
identity of a person to whom a restricted fertilizer is 158  
distributed. 159

**Sec. 905.99.** Whoever violates section 905.02, 905.04, 905.08, 160  
905.11, 905.32, 905.33, 905.331, 905.341, 905.35, 905.36, 905.40, 161  
905.42, 905.43, 905.45, 905.50, 905.52, 905.54, 905.55, 905.59, 162  
905.60, or 905.61 of the Revised Code is guilty of a misdemeanor 163  
of the second degree for a first offense. On each subsequent 164  
offense the offender is guilty of a misdemeanor of the first 165  
degree. 166

**Section 2.** That existing sections 905.31, 905.34, and 905.99 167

of the Revised Code are hereby repealed.