

HOUSE BILL No. 1425

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-16-2.

Synopsis: Restrictions on fertilizer containing phosphorus. Establishes restrictions on the application of fertilizer material that contains phosphorus. Provides exceptions for fertilizer material that: (1) contains less than 0.67% of phosphorus per weight; or (2) is used for agriculture purposes. Requires distributors and licensed commercial lawn care applicators to prepare and provide certain consumer educational information.

Effective: July 1, 2011.

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January 18, 2011, read first time and referred to Committee on Natural Resources.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1425



A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-16-2-51 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 51. (a) This section does not apply to the following**
4 **fertilizer material:**

5 (1) **Fertilizer material that contains less than sixty-seven**
6 **hundredths of one percent (0.67%) of phosphorus per weight.**

7 (2) **Fertilizer material that is used for agriculture purposes,**
8 **including pasture land and land used for growing sod.**

9 (b) **A person may not apply fertilizer material containing**
10 **phosphorus from December 1 through March 1.**

11 (c) **A person may not apply fertilizer material to turf grass**
12 **except in the following situations:**

13 (1) **The application of fertilizer material is used to establish a**
14 **new lawn that requires a balance of plant nutrients.**

15 (2) **The application of fertilizer is used to treat an area that is**
16 **phosphorus deficient as determined by a soil test within the**
17 **previous thirty-six (36) months.**



1 (d) A person may not intentionally apply fertilizer material to
2 an impervious surface. If fertilizer material is applied to an
3 impervious surface, the person who applied the fertilizer material
4 shall immediately remove the fertilizer material.

5 (e) For purposes of this subsection, a body of freshwater does
6 not include a swimming pool, a waterworks facility, waste
7 treatment facility, or a manmade containment structure that does
8 not allow water to flow to a lake, reservoir, or watercourse. A
9 person may not apply fertilizer material next to a body of fresh
10 water, including a pond, lake, stream, or wetland, except under the
11 following conditions:

12 (1) If the ground is flat or slopes away from the body of fresh
13 water, fertilizer material may be applied not closer than ten
14 (10) feet of the body of fresh water.

15 (2) If the ground slopes toward the body of fresh water,
16 fertilizer material may be applied not closer than twenty (20)
17 feet of the body of fresh water.

18 SECTION 2. IC 15-16-2-52 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2011]: Sec. 52. (a) Distributors and commercial lawn care
21 applicators (licensed under IC 15-16-3) shall prepare and provide
22 written consumer educational information that includes:

23 (1) details on the restrictions as provided in section 51 of this
24 chapter on the use of fertilizer material that contains
25 phosphorus; and

26 (2) best practices for lawn care.

27 (b) In preparing the materials under subsection (a), the
28 distributors and commercial lawn care applicators (licensed under
29 IC 15-16-3) shall:

30 (1) consult with the state chemist and other knowledgeable
31 organizations; and

32 (2) present the materials in a comprehensible and easy to
33 understand format.

34 (c) The materials prepared under this section must be available
35 in retail locations for display and distribution to consumers where
36 fertilizer material is sold.

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