
HOUSE BILL No. 1032

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 by weight; or (2) is used for agriculture purposes. Requires distributors and licensed commercial lawn care applicators to prepare and provide consumer educational information concerning restrictions on the use of fertilizer material containing phosphorus and best practices for lawn care.

Effective: July 1, 2012.

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January 9, 2012, 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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1032



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, 2012]: **Sec. 51. (a) This section does not apply to the application**
- 4 **of fertilizer for agricultural purposes, including application of**
- 5 **fertilizer to pasture land and land used for growing sod.**
- 6 **(b) As used in this section, "fertilizer containing phosphorus"**
- 7 **means fertilizer containing at least sixty-seven hundredths percent**
- 8 **(0.67%) of phosphorus by weight.**
- 9 **(c) A person may not apply fertilizer containing phosphorus**
- 10 **from December 1 through March 1.**
- 11 **(d) A person may not apply fertilizer containing phosphorus to**
- 12 **turf grass except in the following situations:**
- 13 **(1) The application of the fertilizer is used to establish a new**
- 14 **lawn that requires a balance of plant nutrients.**
- 15 **(2) The application of the fertilizer is used to treat an area**
- 16 **that is phosphorus deficient as determined by a soil test within**
- 17 **the previous thirty-six (36) months.**



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

5 (f) For purposes of this subsection, a body of fresh water does
 6 not include a swimming pool, a waterworks facility, a 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 apply fertilizer containing phosphorus next to a body
 10 of fresh water, including a pond, lake, stream, or wetland, only
 11 under the following conditions:

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

15 (2) If the ground slopes toward the body of fresh water, the
 16 fertilizer may not be applied less than twenty (20) feet from
 17 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, 2012]: 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 under section 51 of this chapter
 24 on the use of fertilizer containing phosphorus; and

25 (2) best practices for lawn care.

26 (b) In preparing the materials under subsection (a), the
 27 distributors and commercial lawn care applicators shall:

28 (1) consult with the state chemist and other knowledgeable
 29 organizations; and

30 (2) present the materials in a comprehensible and easy to
 31 understand format.

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

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