

IC 15-15-2

Chapter 2. Sale and Transfer of Plant Cultures

IC 15-15-2-1

Application of chapter

Sec. 1. This chapter does not apply to commercial fertilizers, barnyard manure, marl, lime, wood ashes, or plaster.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-2

"Person"

Sec. 2. As used in this chapter, "person" means an individual, a firm, a limited liability company, a corporation, a trustee, a receiver, or an assignee for the benefit of creditors.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-3

Materials for plant growth; samples; statement; registration certificate; permit; grounds for refusal or cancellation of permit

Sec. 3. (a) Before pure or mixed cultures of microorganisms or materials used for promoting plant growth are sold or offered for sale in Indiana, the manufacturer, dealer, importer, agent, or person that causes the materials to be sold, offered for sale, or provided by sample shall:

- (1) file with the state chemist a:
 - (A) statement of desire to offer for sale in Indiana the materials; and
 - (B) certificate for registration stating the:
 - (i) name of the manufacturer;
 - (ii) location of the principal office of the manufacturer;
 - (iii) name under which the product will be sold;
 - (iv) name or names of the plants for which the product is to be used;
 - (v) composition of the substance; and
 - (vi) kinds of microorganisms contained in the product that promote the growth of plants; and
- (2) obtain a permit from the state chemist.

(b) The state chemist may:

- (1) refuse to issue a permit to an applicant described in subsection (a); or
- (2) cancel a permit issued under subsection (a);

if the state chemist is satisfied that a culture of microorganisms or another material used for promoting the growth of plants is sold under false or misleading claims.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-4

Label; information required

Sec. 4. A person who manufactures, offers for sale, sells, displays for sale, or provides by sample, a pure or mixed culture of

microorganisms or materials used for promoting plant growth shall affix or cause to be affixed, in a conspicuous place on the outside of every package or sample of the material, a label on which is plainly printed in English the:

- (1) name of the manufacturer;
- (2) location of the principal office of the manufacturer;
- (3) name under which the product is sold;
- (4) name or names of the plants for which the product is to be used;
- (5) composition of the substance; and
- (6) kinds of microorganisms contained in the product that promote the growth of plants.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-5

Violations; exceptions

Sec. 5. (a) A person that:

- (1) offers for sale, sells, or provides by sample a package, a sample, or a quantity of a pure or mixed culture of microorganisms or materials used for promoting plant growth to which the label prescribed by section 4 of this chapter is not affixed;
- (2) labels a substance described in subdivision (1) with a false or inaccurate label; or
- (3) offers for sale or sells a substance described in subdivision (1) that is not registered with the state chemist;

as required by this chapter commits a Class C infraction.

(b) This chapter does not prevent:

- (1) the state chemist;
- (2) the Purdue University office of agricultural research programs; or
- (3) a person deputized by the state chemist;

from making experiments with pure or mixed cultures of microorganisms or materials used for promoting plant growth for the advancement of the science of agriculture.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-6

Fees; disposition

Sec. 6. (a) The state chemist shall charge, collect, and receive the sum of twenty-five dollars (\$25):

- (1) at the time of registering a pure or mixed culture of microorganisms or materials described in section 3 of this chapter for each material or culture registered; and
- (2) not later than the fifteenth day of January of each succeeding year until the pure or mixed cultures of microorganisms or material is no longer sold, distributed, offered, or displayed for sale in Indiana.

(b) Money received under subsection (a) must be forwarded to the treasurer of Purdue University, who shall expend the money on

vouchers to be filed with the auditor of state to pay all necessary expenses incurred in implementing this chapter, including:

- (1) the employment of inspectors, chemists, and bacteriologists;
 - (2) the expenses incurred in procuring samples;
 - (3) printing bulletins; and
 - (4) giving the results of inspections, as provided by this chapter;
- and for any other expenses of Purdue University agricultural programs, as authorized by law and in support of the purposes of this chapter.

(c) The dean of agriculture of Purdue University shall submit to the governor an annual classified report showing the total receipts and expenditures of all fees received under this chapter.

(d) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-7

Taking samples

Sec. 7. (a) The state chemist or a person deputized by the state chemist may procure a suitable sample from any lot, parcel, or package of pure or mixed cultures of microorganisms or materials used for promoting plant growth that is offered for sale or found in Indiana.

(b) A sample procured under subsection (a) must be drawn or taken during reasonable business hours and in the presence of the owner of the product or a representative of the owner.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-8

Interference with inspection or taking samples; violation

Sec. 8. A person who prevents the state chemist or a person deputized by the state chemist from inspecting and obtaining samples of pure or mixed cultures of microorganisms or materials as provided in this chapter commits a Class C infraction.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-9

State chemist's authority; rules; permits; registration

Sec. 9. The state chemist may:

- (1) prescribe and enforce rules necessary to implement this chapter;
- (2) refuse to issue a permit; or
- (3) refuse to register or cancel the registration of any product used for promoting plant growth or any pure or mixed cultures of microorganisms or materials used for promoting plant growth if the state chemist believes the product, cultures, or materials:
 - (A) are registered under a name that would be misleading as to the materials of which they are made; or
 - (B) are sold under false or misleading claims.

As added by P.L.2-2008, SEC.6.