

AN ACT

relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 63.001(8), (11), (12), and (16), Agriculture Code, are amended to read as follows:

(8) "Fertilizer material" means a solid or nonsolid substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop or for compounding a mixed fertilizer. The term does not include ~~[the excreta of an]~~ animal manure, plant remains, or a mixture of those substances, for which no specific nutrient analysis claim indicates guaranteed nutrient levels ~~[claim of essential plant nutrients is made]~~.

(11) "Mixed fertilizer" means a solid or nonsolid product that results from the combination, mixture, or simultaneous application of two or more fertilizer materials by a manufacturer, processor, mixer, or contractor. The term may include a specialty fertilizer or manipulated manure, but does not include ~~[the excreta of an]~~ animal manure, plant remains, or a mixture of those substances, for which no specific nutrient analysis claim indicates guaranteed nutrient levels ~~[claim of essential plant nutrients is~~

1 made].

2 (12) "Manipulated manure" means a substance composed
3 of [~~the excreta of an~~] animal manure, plant remains, or a mixture of
4 those substances, for which a specific nutrient analysis claim
5 indicates guaranteed nutrient levels [~~of essential plant nutrients~~
6 ~~is made~~].

7 (16) "Specialty fertilizer" means a fertilizer
8 distributed primarily for nonfarm use, including use on or in home
9 gardens, lawns, shrubbery, flowers, golf courses, municipal parks,
10 cemeteries, greenhouses, or nurseries. The term does not include
11 [~~the excreta of an~~] animal manure, plant remains, or a mixture of
12 those substances, for which no specific nutrient analysis claim
13 indicates guaranteed nutrient levels [~~claim of essential plant~~
14 ~~nutrients is made~~].

15 SECTION 2. Section 63.002(c), Agriculture Code, is amended
16 to read as follows:

17 (c) Animal manure [~~The excreta of an animal~~], plant remains,
18 or mixtures of those substances[~~7~~] are not commercial fertilizers
19 subject to this chapter if no specific nutrient analysis claim
20 indicates guaranteed nutrient levels [~~claim of essential plant~~
21 ~~nutrients is made~~].

22 SECTION 3. Subchapter A, Chapter 63, Agriculture Code, is
23 amended by adding Section 63.0025 to read as follows:

24 Sec. 63.0025. CERTAIN ANALYSES NOT GUARANTEE OF NUTRIENT
25 LEVELS. A representative laboratory analysis conducted for
26 purposes of fulfilling a requirement established by a federal
27 agency or a state agency other than the department may not:

- 1 (1) be considered a guarantee of nutrient levels for:
2 (A) fertilizer material;
3 (B) mixed fertilizer;
4 (C) manipulated manure; or
5 (D) specialty fertilizer; or
6 (2) be used to determine whether animal manure, plant
7 remains, or mixtures of those substances are commercial fertilizers
8 under Section 63.002(c).

9 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1969 was passed by the House on May 13, 2011, by the following vote: Yeas 132, Nays 12, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1969 on May 25, 2011, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1969 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor