

By: Christian

H.B. No. 1969

A BILL TO BE ENTITLED

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) 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. This Act takes effect September 1, 2011.