

1 SB83  
2 108602-1  
3 By Senator Benefield  
4 RFD: Agriculture, Conservation, and Forestry  
5 First Read: 12-JAN-10  
6 PFD: 01/05/2010

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Existing law does not prohibit a county or  
9 municipality from adopting an ordinance, rule, or  
10 resolution regulating fertilizers if the ordinance  
11 or rule does not conflict with state law.

12 This bill would prohibit local governments  
13 from adopting any ordinance, rule, or resolution  
14 pertaining to the subject matter of fertilizers and  
15 would reserve the entire subject of fertilizers to  
16 the Department of Agriculture and Industries.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
21

22 To prohibit a county or municipal government from  
23 adopting any ordinance, rule, or resolution pertaining to the  
24 subject of fertilizers; and to reserve the entire subject of  
25 fertilizers to the Department of Agriculture and Industries.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) A county commission or municipal  
2 governing body may not adopt or continue in effect any  
3 ordinance, rule, or resolution regulating the registration,  
4 packaging, labeling, sale, distribution, or application of  
5 fertilizers. The entire subject matter of the foregoing shall  
6 be subject to the jurisdiction of the Department of  
7 Agriculture and Industries.

8           (b) For purposes of this section, the term  
9 "fertilizer" means any substance containing one or more  
10 recognized plant nutrients which is used for its plant  
11 nutrient content and which is designed for use or claimed to  
12 have value in promoting plant growth, except unmanipulated  
13 animal and vegetable manures, marl, lime, limestone, wood  
14 ashes, boiler ashes produced by the pulp and paper or the  
15 electric utility industries, and similar other products  
16 exempted by regulation by the Commissioner of Agriculture and  
17 Industries.

18           (c) This section shall not affect, supersede, or  
19 override any zoning ordinance or business license enacted by a  
20 county or municipal government.

21           Section 2. All laws or parts of laws which conflict  
22 with this act are repealed.

23           Section 3. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.