

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 448  
SENATE BILL 370

AN ACT TO AMEND THE NORTH CAROLINA FERTILIZER LAW, CHAPTER 106,  
ARTICLE 56 OF THE GENERALSTATUTES.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 106-657(1) is rewritten to read:

"(1) The term 'brand name' means the name under which any individual mixed fertilizer or fertilizer material is offered for sale, and may include a trademark, but shall not include any numeral other than the grade of the fertilizer."

**Sec. 2.** G.S. 106-657(9) is amended on line two by inserting the following between "(as K20)" and "stated": "only,."

**Sec. 3.** G.S. 106-657(11) is rewritten as follows:

"(11) The term 'manufacturer' means a person engaged in the business of preparing, mixing, or manufacturing commercial fertilizers or the person whose name appears on the label as being responsible for the guarantee. The term 'manufacture' means preparing, mixing, or combining fertilizer materials chemically or physically, including the simultaneous application of two or more fertilizer materials, by a manufacturer or contract applicator."

**Sec. 4.** G.S. 106-657(22) is rewritten as follows:

"(22) The term 'specialty fertilizer' means any fertilizer distributed primarily for use on noncommercial crops such as gardens, lawns, shrubs, flowers, golf courses, cemeteries and nurseries."

**Sec. 5.** G.S. 106-660(a) is rewritten to read:

"(a) Each brand of commercial fertilizer for tobacco, specialty fertilizer, fertilizer materials, manipulated manure and fortified mulch shall be registered by the person whose name appears upon the label before being offered for sale, sold or distributed in this State, except those brands expressly produced for experimental and demonstration purposes only. Other fertilizers may be manufactured and sold without registration after obtaining a license as required in G.S. 106-661(a); provided, that such fertilizers contain a minimum of twenty percent (20%) primary plant nutrients, Nitrogen (N), available Phosphoric Acid (P2O5), and Soluble Potash (K2O). The application for registration shall be submitted in duplicate to the Commissioner for his approval on forms furnished by the Commissioner, and shall include a fee of two dollars (\$2.00) per brand and grade for all packages greater than five pounds. The registration fee for packages of five pounds or less shall be twenty-five dollars (\$25.00). All approved registrations expire on June 30 of each year. The application shall include such information as deemed necessary by the Board of Agriculture."

**Sec. 6.** G.S. 106-660(d) is rewritten to read:

"(d) Any person desiring to manufacture or distribute fertilizers not required to be registered shall first secure a license. Application for said license shall be made on forms provided by the Commissioner and shall be accompanied by a reasonable fee to be determined by the Board of Agriculture. Said license shall be renewable annually on the first day of July.

Said license may be suspended, revoked or terminated for a violation of this Article or any rule promulgated thereunder."

**Sec. 7.** G.S. 106-661(d) is rewritten to read:

"(d) All labels and registrations shall carry identical guarantees for each fertilizer product requiring registration."

**Sec. 8.** G.S. 106-662(b)(4) is rewritten to read:

"(4) All samples taken under the provisions of this section shall be taken from original unbroken bags or containers, the contents of which have not been damaged by exposure, water or otherwise; provided, that any commercial fertilizer offered for sale, sold or distributed in bulk may be sampled in a manner approved by the Commissioner."

**Sec. 9.** G.S. 106-663 is amended by rewriting the last sentence as follows:

"The Commissioner is authorized to refuse, suspend, revoke or terminate the license of any manufacturer or to refuse, suspend, revoke or terminate the registration of such commercial fertilizer for any violations of this section."

**Sec. 10.** G.S. 106-669 is rewritten to read:

"The Commissioner is authorized to suspend, revoke or terminate the license of any manufacturer or to refuse, suspend, revoke or terminate the registration of any commercial fertilizer upon proof that the manufacturer has been guilty of fraudulent or deceptive practices, or in the evasion or attempted evasion of this Article or any rule promulgated thereunder."

**Sec. 11.** G.S. 106-677 is amended by deleting the last three sentences and inserting in lieu thereof the following:

"The Commissioner may suspend, revoke or terminate the registration of said commercial fertilizer and suspend, revoke or terminate the license of any person failing to comply with this section within 30 days of the close of each period. All information published by the Department of Agriculture pursuant to this section shall be classified so as to prevent the identification of information received from individual registrants. All information received pursuant to this section shall be held confidential by the Department and its employees."

**Sec. 12.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1981.