

1 AN ACT

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

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

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

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

17 (11) "Mixed fertilizer" means a solid or nonsolid
18 product that results from the combination, mixture, or simultaneous
19 application of two or more fertilizer materials by a manufacturer,
20 processor, mixer, or contractor. The term may include a specialty
21 fertilizer or manipulated manure, but does not include [~~the excreta~~
22 ~~of an~~] animal manure, plant remains, or a mixture of those
23 substances, for which no specific nutrient analysis claim indicates
24 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:

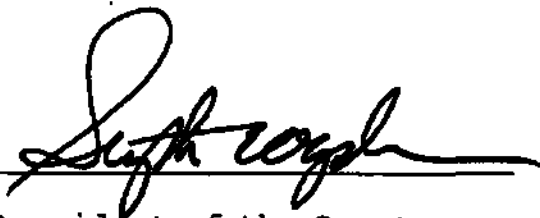
17 (c) Animal manure [~~The excreta of an animal~~], plant remains,
18 or mixtures of those substances[~~r~~] are not commercial fertilizers
19 subject to this chapter if no specific nutrient analysis claim
20 indicates guaranteed nutrient levels [~~claim of essential plant~~
21 ~~nutrients is made~~].

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

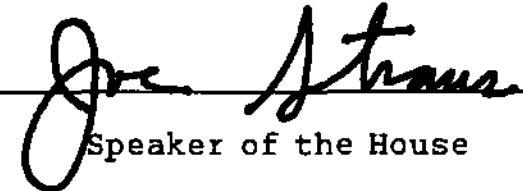
24 Sec. 63.0025. CERTAIN ANALYSES NOT GUARANTEE OF NUTRIENT
25 LEVELS. A representative laboratory analysis conducted for
26 purposes of fulfilling a requirement established by a federal
27 agency or a state agency other than the department may not:

- 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.

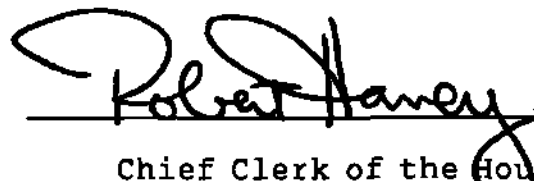


President of the Senate



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.



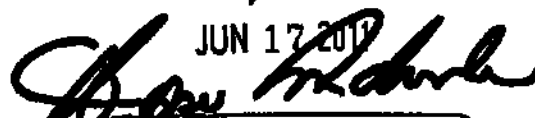
Secretary of the Senate

APPROVED: 17 JUN '11
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00pm O'CLOCK

JUN 17 2011


Secretary of State