

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4391

(SENATE AUTHORS: KUPEC)

DATE	D-PG	OFFICIAL STATUS
02/29/2024	11846	Introduction and first reading Referred to Agriculture, Broadband, and Rural Development See SF4942, HF5247

1.1 A bill for an act

1.2 relating to agriculture; amending fertilizer definitions; amending Minnesota Statutes

1.3 2022, sections 18C.005, subdivision 33, by adding a subdivision; 18C.115,

1.4 subdivision 2; 18C.215, subdivision 1; 18C.221.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision

1.7 to read:

1.8 Subd. 1c. **Beneficial substance.** A "beneficial substance" is any substance or compound

1.9 other than a primary, secondary, and micro plant nutrient that can be demonstrated by

1.10 scientific research to be beneficial to one or more species of plants, soil, or media.

1.11 Sec. 2. Minnesota Statutes 2022, section 18C.005, subdivision 33, is amended to read:

1.12 Subd. 33. **Soil amendment.** "Soil amendment" means a substance intended to improve

1.13 the structural, physical, chemical, biochemical, or biological characteristics of the soil or,

1.14 modify organic matter at or near the soil surface, except fertilizers, agricultural liming

1.15 materials, pesticides, and other materials exempted by the commissioner's rules.

1.16 Sec. 3. Minnesota Statutes 2022, section 18C.115, subdivision 2, is amended to read:

1.17 Subd. 2. **Adoption of national standards.** Applicable national standards contained in

1.18 ~~the 1996 official publication, number 49,~~ most recently published version of the Association

1.19 of American Plant Food Control Officials including the rules and regulations, statements

1.20 of uniform interpretation and policy, and the official fertilizer terms and definitions, and

1.21 not otherwise adopted by the commissioner, may be adopted as fertilizer rules of this state.

2.1 Sec. 4. Minnesota Statutes 2022, section 18C.215, subdivision 1, is amended to read:

2.2 Subdivision 1. **Packaged fertilizers.** (a) A person may not sell or distribute specialty
2.3 fertilizer in bags or other containers in this state unless a label is placed on or affixed to the
2.4 bag or container stating in a clear, legible, and conspicuous form the following information:

2.5 (1) the net weight and volume, if applicable;

2.6 (2) the brand and grade, except the grade is not required if primary nutrients are not
2.7 claimed;

2.8 (3) the guaranteed analysis;

2.9 (4) the name and address of the guarantor;

2.10 (5) directions for use, except directions for use are not required for custom blend specialty
2.11 fertilizers; and

2.12 (6) a derivatives statement.

2.13 (b) A person may not sell or distribute fertilizer for agricultural purposes in bags or other
2.14 containers in this state unless a label is placed on or affixed to the bag or container stating
2.15 in a clear, legible, and conspicuous form the information listed in paragraph (a), clauses (1)
2.16 to (4), except:

2.17 (1) the grade is not required if primary nutrients are not claimed; and

2.18 (2) the grade on the label is optional if the fertilizer is used only for agricultural purposes
2.19 and the guaranteed analysis statement is shown in the complete form as in section 18C.211.

2.20 (c) The labeled information must appear:

2.21 (1) on the front or back side of the container;

2.22 (2) on the upper one-third of the side of the container;

2.23 (3) on the upper end of the container; or

2.24 (4) printed on a tag affixed to the upper end of the container.

2.25 (d) If a person sells a custom blend specialty fertilizer in bags or other containers, the
2.26 information required in paragraph (a) must either be affixed to the bag or container as
2.27 required in paragraph (c) or be furnished to the customer on an invoice or delivery ticket
2.28 in written or printed form.

3.1 Sec. 5. Minnesota Statutes 2022, section 18C.221, is amended to read:

3.2 **18C.221 FERTILIZER PLANT FOOD CONTENT.**

3.3 (a) Products that are deficient in plant food content are subject to this subdivision.

3.4 (b) An analysis must show that a fertilizer is deficient:

3.5 (1) in one or more of its guaranteed primary plant nutrients beyond the investigational
3.6 allowances and compensations as established by regulation; or

3.7 (2) if the overall index value of the fertilizer is shown below the level established by
3.8 rule.

3.9 (c) A deficiency in an official sample of mixed fertilizer resulting from nonuniformity
3.10 is not distinguishable from a deficiency due to actual plant nutrient shortage and is properly
3.11 subject to official action.

3.12 (d) For the purpose of determining the commercial index value to be applied, the
3.13 commissioner shall determine at least annually the values per unit of nitrogen, available
3.14 ~~phosphoric acid~~ phosphate, and soluble potash in fertilizers in this state.

3.15 (e) If a fertilizer in the possession of the consumer is found by the commissioner to be
3.16 short in weight, the registrant or licensee of the fertilizer must submit a penalty payment of
3.17 two times the value of the actual shortage to the consumer within 30 days after official
3.18 notice from the commissioner.