

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4635

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 8515 (MCL 324.8515), as added by 1995 PA 60,
and by adding section 8518.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8515. (1) The director of the department may revoke the
2 license of a manufacturer or distributor or the registration of a
3 fertilizer product or soil conditioner, or may refuse to license a
4 manufacturer or distributor or to register a fertilizer product or
5 soil conditioner, upon satisfactory evidence that the licensee has
6 engaged in fraudulent or deceptive practices or has evaded or
7 attempted to evade this part or the rules promulgated under this

1 part.

2 (2) A license or registration shall not be revoked or refused
3 until the licensee or applicant has been given the opportunity by
4 the director of the department to appear for a hearing.

5 (3) THE DEPARTMENT SHALL NOT SUSPEND OR REVOKE THE LICENSE OF
6 A DISTRIBUTOR OR MANUFACTURER WHO REFUSES TO SELL AMMONIUM NITRATE
7 FERTILIZER TO A PERSON WHO FAILS TO COMPLY WITH THE REQUEST FOR
8 INFORMATION REQUIRED UNDER SECTION 8518 OR WHO REFUSES TO SELL
9 AMMONIUM NITRATE FERTILIZER TO A PERSON WHO PURCHASES THAT
10 FERTILIZER OUT OF SEASON, IN UNUSUAL AMOUNTS, OR UNDER A PATTERN OR
11 CIRCUMSTANCES CONSIDERED UNUSUAL, AS DESCRIBED IN SECTION 8518.

12 SEC. 8518. (1) A RETAILER SHALL SECURE AT ALL TIMES AMMONIUM
13 NITRATE FERTILIZER TO PROVIDE REASONABLE PROTECTION AGAINST
14 VANDALISM, THEFT, OR UNAUTHORIZED ACCESS. SECURED STORAGE INCLUDES,
15 BUT IS NOT LIMITED TO, THE FOLLOWING METHODS:

16 (A) FENCING.

17 (B) LIGHTING.

18 (C) LOCKS.

19 (2) RETAILERS SHALL OBTAIN THE FOLLOWING INFORMATION REGARDING
20 ANY SALE OF AMMONIUM NITRATE FERTILIZER:

21 (A) DATE OF SALE.

22 (B) QUANTITY PURCHASED.

23 (C) LICENSE NUMBER OF THE PURCHASER'S VALID STATE OPERATOR'S
24 LICENSE WITH THE APPROPRIATE ENDORSEMENT, IF APPLICABLE, OR OTHER
25 PICTURE IDENTIFICATION CARD NUMBER APPROVED FOR PURCHASER
26 IDENTIFICATION BY THE DEPARTMENT.

27 (D) THE PURCHASER'S NAME, CURRENT ADDRESS, AND TELEPHONE

1 NUMBER.

2 (E) THE AGENCY RELATIONSHIP, IF ANY, BETWEEN THE PURCHASER AND
3 THE PERSON PICKING UP OR ACCEPTING DELIVERY OF THE AMMONIUM NITRATE
4 FERTILIZER.

5 (3) RECORDS CREATED PURSUANT TO THIS SECTION SHALL BE
6 MAINTAINED BY THE RETAILER FOR A MINIMUM OF 2 YEARS ON A FORM OR
7 USING A FORMAT RECOMMENDED BY THE DEPARTMENT. RECORDS SHALL BE MADE
8 AVAILABLE FOR INSPECTION AND AUDIT UPON REQUEST OF THE DIRECTOR OF
9 THE DEPARTMENT.

10 (4) RECORDS GENERATED BY MEANS OF THE TRACKING SYSTEM
11 ESTABLISHED UNDER SUBSECTION (2) ARE EXEMPT FROM DISCLOSURE UNDER
12 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

13 (5) ANY RETAILER OF AMMONIUM NITRATE FERTILIZER MAY REFUSE TO
14 SELL TO ANY PERSON ATTEMPTING TO PURCHASE AMMONIUM NITRATE
15 FERTILIZER OUT OF SEASON, IN UNUSUAL PATTERNS OR CIRCUMSTANCES, OR
16 IN UNUSUAL AMOUNTS AS DETERMINED BY THE RETAILER.