

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5034

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 8501 (MCL 324.8501), as amended by 2006 PA 503.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 8501. As used in this part:

2       (a) "Adulterated product" means a product ~~which~~**THAT** contains  
3       any deleterious or harmful substance in sufficient amount to render  
4       it injurious to beneficial plant life, animals, humans, aquatic  
5       life, soil or water when applied in accordance with directions for  
6       use on the label, or if adequate warning statements or directions  
7       for use ~~which~~**THAT** may be necessary to protect plant life, animals,  
8       humans, aquatic life, soil or water are not shown on the label.

9       **(B) "AGRICULTURAL USE" MEANS THAT TERM AS DEFINED IN SECTION**

1 36101.

2 (C) ~~(b)~~—"Aquifer" means a geologic formation, group of  
3 formations, or part of a formation capable of yielding a  
4 significant amount of groundwater to wells or springs.

5 (D) ~~(c)~~—"Aquifer sensitivity" means a hydrogeologic function  
6 representing the inherent abilities of materials surrounding the  
7 aquifer to attenuate the movement of nitrogen fertilizers into that  
8 aquifer.

9 (E) ~~(d)~~—"Aquifer sensitivity region" means an area in which  
10 aquifer sensitivity estimations are sufficiently uniform to warrant  
11 their classification as a unit.

12 (F) ~~(e)~~—"Brand or product name" means a term, design, or  
13 trademark used in connection with 1 or more grades of fertilizer.

14 (G) ~~(f)~~—"Bulk fertilizer" means fertilizer distributed in a  
15 nonpackaged form.

16 (H) ~~(g)~~—"Custom blend" means a fertilizer blended according to  
17 specifications provided to a blender in a soil test nutrient  
18 recommendation or blended as specifically requested by the consumer  
19 prior to blending.

20 (I) ~~(h)~~—"Department" means the department of agriculture.

21 (J) ~~(i)~~—"Director" means the director of the department of  
22 agriculture or his or her designee.

23 (K) ~~(j)~~—"Distribute" means to import, consign, sell, barter,  
24 offer for sale, solicit orders for sale, or otherwise supply  
25 fertilizer for sale or use in this state.

26 (L) ~~(k)~~—"Distributor" means any person who distributes  
27 fertilizer for sale or use in this state.

1       **(M)** ~~(L)~~—"Fertilizer" means a substance containing 1 or more  
2 recognized plant nutrients, which substance is used for its plant  
3 nutrient content and which is designed for use, or claimed to have  
4 value, in promoting plant growth. Fertilizer does not include  
5 unmanipulated animal and vegetable manures, marl, lime, limestone,  
6 wood ashes, and other materials exempted by rules promulgated under  
7 this part.

8       **(N)** ~~(m)~~—"Fertilizer material" means a fertilizer that is any  
9 of the following:

10       (i) Contains not more than 1 of the following as primary  
11 nutrients:

12       (A) Total nitrogen (N).

13       (B) Available phosphate ( $P_2O_5$ ).

14       (C) Soluble potash ( $K_2O$ ).

15       (ii) Has 85% or more of its plant nutrient content present in  
16 the form of a single chemical compound.

17       (iii) Is derived from a plant or animal residue or by-product or  
18 natural material deposit ~~which~~ **THAT** has been processed in such a  
19 way that its content of plant nutrients has not been materially  
20 changed except by purification and concentration.

21       **(O)** ~~(n)~~—"Fund" means the fertilizer control fund created under  
22 section 8514.

23       **(P)** ~~(e)~~—"Grade" means the percentage guarantee of total  
24 nitrogen (N), available phosphate ( $P_2O_5$ ), and soluble potash ( $K_2O$ ),  
25 of a fertilizer and shall be stated in the same order given in this  
26 subdivision. Indication of grade does not apply to peat or peat  
27 moss or soil conditioners.

1       (Q) ~~(p)~~—"Groundwater" means underground water within the zone  
2 of saturation.

3       (R) ~~(q)~~—"Groundwater stewardship practices" means any of a set  
4 of voluntary practices adopted by the commission of agriculture  
5 pursuant to part 87, designed to protect groundwater from  
6 contamination by fertilizers.

7       (S) ~~(r)~~—"Guaranteed analysis" means the minimum percentage of  
8 each plant nutrient guaranteed or claimed to be present.

9       (T) ~~(s)~~—"Label" means any written, printed, or graphic matter  
10 on or attached to packaged fertilizer or used to identify  
11 fertilizer distributed in bulk or held in bulk storage.

12       (U) ~~(t)~~—"Labeling" means all labels and other written,  
13 printed, electronic, or graphic matter upon or accompanying any  
14 fertilizer at any time, and includes advertising, sales literature,  
15 brochures, posters, and internet, television, and radio  
16 announcements used in promoting the sale of that fertilizer.

17       (V) ~~(u)~~—"Licensee" means the person who receives a license to  
18 manufacture or distribute fertilizers under this part.

19       (W) ~~(v)~~—"Lot" means an identifiable quantity of fertilizer  
20 that can be sampled officially according to methods adopted under  
21 section 8510, that amount contained in a single vehicle, or that  
22 amount delivered under a single invoice.

23       (X) ~~(w)~~—"Manufacture" means to process, granulate, compound,  
24 produce, mix, blend, or alter the composition of fertilizer or  
25 fertilizer materials.

26       Enacting section 1. This amendatory act does not take effect  
27 unless House Bill No. 5035 of the 94th Legislature is enacted into

1 law.