S T A T E O F N E W Y O R K

6039

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. KOON, MAGEE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to regulation of the sale and analysis of fertilizer

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The agriculture and markets law is amended by adding a new section 145-a to read as follows:

S 145-A. STATE PREEMPTION OF REGULATION OF FERTILIZER SALE AND ANALYSIS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO CITY, COUNTY, OR OTHER POLITICAL SUBDIVISION SHALL ADOPT ANY LABELING REQUIREMENT, QUALITY STANDARD, RECORDKEEPING REQUIREMENT, TRANSPORTATION REQUIREMENT, TREATMENT REQUIREMENT, OR PROHIBITION THAT IS DIFFERENT FROM OR IN ADDITION TO ANY SUCH REQUIREMENT ADOPTED IN ACCORDANCE WITH THIS ARTICLE. THIS INCLUDES ANY REQUIREMENT GOVERNING PRODUCTION, USE, ADVERTISING, SALE, DISTRIBUTION, STORAGE, TRANSPORTATION, FORMULATION, PACKAGING, LABELING, CERTIFICATION, REGISTRATION, APPLICATION, IMPORTATION OR DISPOSAL OF FERTILIZER AS DEFINED IN THIS ARTICLE.

2. LOCAL LEGISLATION IN VIOLATION OF THIS SECTION SHALL BE VOID AND UNENFORCEABLE. FOR PURPOSES OF THIS SECTION, THE TERM "LOCAL LEGISLATION" MEANS ANY ORDINANCE, MOTION, RESOLUTION, AMENDMENT, REGULATION, OR RULE ADOPTED BY A POLITICAL SUBDIVISION OF THE STATE. NOTHING IN THIS SECTION PREEMPTS OR OTHERWISE LIMITS THE AUTHORITY OF ANY COUNTY OR MUNICIPALITY TO ADOPT AND ENFORCE ZONING REGULATIONS, FIRE CODES, BUILDING CODES, OR WASTE DISPOSAL RESTRICTIONS.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD02498-01-9