

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 regu-  
lation of the sale and analysis of fertilizer

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

- 1 Section 1. The agriculture and markets law is amended by adding a new  
2 section 145-a to read as follows:  
3 S 145-A. STATE PREEMPTION OF REGULATION OF FERTILIZER SALE AND ANALY-  
4 SIS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO CITY, COUNTY, OR  
5 OTHER POLITICAL SUBDIVISION SHALL ADOPT ANY LABELING REQUIREMENT, QUALI-  
6 TY STANDARD, RECORDKEEPING REQUIREMENT, TRANSPORTATION REQUIREMENT,  
7 TREATMENT REQUIREMENT, OR PROHIBITION THAT IS DIFFERENT FROM OR IN ADDI-  
8 TION TO ANY SUCH REQUIREMENT ADOPTED IN ACCORDANCE WITH THIS ARTICLE.  
9 THIS INCLUDES ANY REQUIREMENT GOVERNING PRODUCTION, USE, ADVERTISING,  
10 SALE, DISTRIBUTION, STORAGE, TRANSPORTATION, FORMULATION, PACKAGING,  
11 LABELING, CERTIFICATION, REGISTRATION, APPLICATION, IMPORTATION OR  
12 DISPOSAL OF FERTILIZER AS DEFINED IN THIS ARTICLE.  
13 2. LOCAL LEGISLATION IN VIOLATION OF THIS SECTION SHALL BE VOID AND  
14 UNENFORCEABLE. FOR PURPOSES OF THIS SECTION, THE TERM "LOCAL LEGIS-  
15 LATION" MEANS ANY ORDINANCE, MOTION, RESOLUTION, AMENDMENT, REGULATION,  
16 OR RULE ADOPTED BY A POLITICAL SUBDIVISION OF THE STATE. NOTHING IN  
17 THIS SECTION PREEMPTS OR OTHERWISE LIMITS THE AUTHORITY OF ANY COUNTY OR  
18 MUNICIPALITY TO ADOPT AND ENFORCE ZONING REGULATIONS, FIRE CODES, BUILD-  
19 ING CODES, OR WASTE DISPOSAL RESTRICTIONS.  
20 S 2. This act shall take effect immediately.

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

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