

848

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed 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:

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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