STATE OF NEW YORK

393

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the sale or use of nitrogen fertilizer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The environmental conservation law is amended by adding a new section 17-2104 to read as follows:

§ 17-2104. Sale or use of nitrogen fertilizer restricted.

1. For the purposes of this section, "low nitrogen fertilizer" shall mean fertilizer containing not more than twelve percent nitrogen by weight, of which at least half must be water insoluble nitrogen, commonly referred to as slow release nitrogen.

2. No person shall apply or authorize any person by way of service contract or other arrangement to apply in Nassau or Suffolk county any fertilizer on lawn or non-agricultural turf, other than low nitrogen fertilizer.

3. Beginning December thirty-first, two thousand twenty-three, retailers in Nassau and/or Suffolk county shall sell or offer for sale only low nitrogen fertilizer.

4. Nothing in this title shall impair or supersede the authority of the commissioner of agriculture and markets pursuant to articles ten and twenty-five-AA of the agriculture and markets law.

§ 2. No later than June 1, 2024, the department of environmental conservation shall prepare a report to the governor and legislature regarding expanding the sales and use prohibition on high nitrogen fertilizer in other areas of the state.

§ 3. This act shall take effect December 31, 2023; provided, however, that persons may continue to use non-conforming nitrogen fertilizer on lawn and non-agricultural turf after December 31, 2023 if such fertilizer was purchased prior to such effective date.

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

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