

4-13-2 Definitions.

As used in this chapter:

- (1) "Adulterated fertilizer" means any commercial fertilizer that contains an ingredient that renders it injurious to beneficial plant life when applied in accordance with the directions on the label, or contains crop or weed seed, or is inadequately labeled to protect plant life.
- (2) "Brand" means any term, design, or trade mark used in connection with one or several grades of commercial fertilizer or soil amendment.
- (3) "Commercial fertilizer" means any substance that contains one or more recognized plant nutrients that is used for its plant nutrient content and is designed for use or claimed to have value in promoting plant growth, exclusive of unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, gypsum, and other products exempted by rule of the department.
- (4) "Distributor" means any person who:
 - (a) imports, consigns, manufactures, produces, compounds, mixes, or blends commercial fertilizer;
 - (b) imports, consigns, manufactures, produces, compounds, sizes, or blends a soil amendment; or
 - (c) offers for sale, sells, barter, or otherwise supplies commercial fertilizer or a soil amendment in this state.
- (5) "Fertilizer material" means a commercial fertilizer that contains either:
 - (a) quantities of no more than one of the primary plant nutrients (nitrogen, phosphoric acid and potash);
 - (b) approximately 85% plant nutrients in the form of a single chemical compound; or
 - (c) plant or animal residues or by-products, or a natural material deposit that is processed so that its primary plant nutrients have not been materially changed, except through purification and concentration.
- (6) "Grade" means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis; provided, that specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash and that fertilizer materials such as bone meal, manures, and similar raw materials may be guaranteed in fractional units.
- (7)
 - (a) "Guaranteed analysis" means the minimum percentage by weight of plant nutrients claimed in the following order and form:

Total nitrogen (N)	_____ percent
Available phosphoric acid (P ₀)	_____ percent
Soluble potash (K ₀)	_____ percent
 - (b) For unacidulated mineral phosphatic materials and basic slag, bone, tankage, and other organic phosphate materials, it means the total phosphoric acid or degree of fineness.
 - (c) Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton, when required by rule.
 - (d)
 - (i) Guarantees for plant nutrients other than nitrogen, phosphorus, and potassium may be permitted or required by rule of the department.
 - (ii) The guarantees for such other nutrients shall be expressed in the form of the element.

- (iii) The sources of such other nutrients, such as oxides, salt, chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label.
- (iv) Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the department.
- (v) Any plant nutrients or other substances or compounds guaranteed are subject to inspection and analysis in accord with the methods and rules prescribed by the department.
- (8) "Investigational allowance" means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of commercial fertilizer or soil amendment.
- (9) "Label" means the display of all written, printed, or graphic matter upon the immediate container or statement accompanying a commercial fertilizer or soil amendment.
- (10) "Labeling" means all written, printed, or graphic matter upon or accompanying any commercial fertilizer or soil amendment, or advertisements, brochures, posters, television and radio announcements used in promoting the sale of such commercial fertilizers or soil amendments.
- (11) "Mixed fertilizer" means a commercial fertilizer containing any combination of fertilizer materials.
- (12) "Official sample" means any sample of commercial fertilizer or soil amendment taken by the department and designated as "official."
- (13) "Percent" or "percentage" means the percentage by weight.
- (14) "Registrant" means any person who registers a commercial fertilizer or a soil amendment under the provisions of this chapter.
- (15)
 - (a) "Soil amendment" means any substance that is intended to improve the physical characteristics of soil.
 - (b) "Soil amendment" does not include any commercial fertilizer, agriculture liming materials, unmanipulated animal manure, unmanipulated vegetable manure, pesticides, or other material exempt by rule of the department.
- (16) "Specialty fertilizer" means any commercial fertilizer distributed primarily for non-farm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries.
- (17) "Ton" means a net weight of 2,000 pounds avoirdupois.

Amended by Chapter 179, 2007 General Session