

**4-13-6 Distribution of fertilizers not complying with labeling requirements prohibited -- Guaranteed analysis deficient -- Penalty assessed -- Time for payment -- Court action to vacate or amend finding authorized.**

- (1) No person shall distribute in this state a commercial fertilizer, fertilizer material, soil amendment or specialty fertilizer if the official sample thereof establishes that the commercial fertilizer, fertilizer material, soil amendment or specialty fertilizer is deficient in the nutrients guaranteed on the label by an amount exceeding the values established by rule or if the overall index value of the official sample is below the level established by rule.
- (2) If an official sample, after analysis, demonstrates the guaranteed analysis is deficient in one or more of its primary plant foods (NPK) beyond the investigational allowance prescribed by rule, or if the over-all index value of the official sample is below the level established by rule, a penalty of three times the commercial value of the deficiency or deficiencies of the lot represented by the official sample may be assessed against the registrant.
- (3) All penalties assessed under this section shall be paid to the department within three months after notice from the department.
- (4) Any registrant aggrieved by the finding of an official sample deficiency may file a complaint with a court of competent jurisdiction to vacate or amend the finding of the department.

Amended by Chapter 179, 2007 General Session