

# KENTUCKY FERTILIZER LAW

As Amended on  
June 26, 2007

Unofficial Text of Statutes  
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Information and questions concerning the Kentucky Fertilizer Law should be addressed to:



**UNIVERSITY OF KENTUCKY**

**College of Agriculture**

Division of Regulatory Services

Coordinator, Fertilizer Regulatory Program

103 Regulatory Services Building

Lexington, KY 40546-0275

859.257.2785

## 250.360 Repealed, 1984.

**Catchline at repeal:** Sales in violation of KRS 250.360 to 250.480 prohibited.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

-- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-4.

## 250.361 Administration of KRS 250.371 to 250.451.

KRS 250.371 to 250.451 shall be administered by the director of the Kentucky Agricultural Experiment Station hereinafter referred to as the "director." The term "director" when used in KRS 250.371 to 250.451 shall mean the director or his designee.

**Effective:** July 13, 1984

**History:**

--Created 1984 Ky. Acts ch. 191, sec. 1, effective July 13, 1984.

## 250.366 Definitions for KRS 250.361 to 250.451.

As used in KRS 250.361 to 250.451, unless the context otherwise requires:

(1) "Fertilizer" means any substance containing one (1) or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes and other products exempted by regulation by the director.

(2) "Fertilizer material" means a fertilizer which either:

- (a) Contains important quantities of no more than one (1) of the primary plant nutrients: nitrogen (N), phosphorus (P) and potassium (K); or
- (b) Has eighty-five percent (85%) or more of its plant nutrient content present in the form of a single chemical compound; or
- (c) Is derived from a plant or animal residue or by-product or natural material deposit which has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

(3) "Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.

(4) "Specialty fertilizer" means a fertilizer distributed for nonfarm use.

(5) "Bulk fertilizer" means a fertilizer distributed in a nonpackaged form.

(6) "Brand" means a term, design, or trademark used in connection with one (1) or several grades of fertilizer but shall not include any numeral that is misleading or confusing.

(7) "Guaranteed analysis" means, until the director prescribes the alternative form of "guaranteed analysis" in accordance with the provisions of this subsection, the minimum percentage of plant nutrients claimed in the following order and form:

Total nitrogen (N) ----- percent

Available phosphate (P205) ----- percent

Soluble potash (K20) ----- percent

For unacidulated mineral phosphatic material and basic slag, bone, tankage and other organic phosphatic materials, the total phosphate or degree of fineness may also be guaranteed. Guarantees for plant nutrients other than nitrogen, phosphorus and potassium may be permitted or required by regulation by the director. The guarantees for such other nutrients shall be expressed in the form of the element. The source, e.g. oxides, salts, chelates, etc. of such other nutrients may be required to be stated on the application for registration and may be included on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission and advice of the director. When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the director. When the director finds, after public hearing following due notice, that the requirement for expressing the guaranteed analysis of phosphorus and potassium in elemental form would not impose an economic hardship on distributors and users of fertilizer by reason of conflicting labeling requirements among the states, he may require by regulation thereafter that the "guaranteed analysis" shall be in the following form:

Total nitrogen (N) ----- percent

Available phosphorus (P) ----- percent

Soluble potassium (K) ----- percent

The effective date of the regulation shall be not less than six (6) months following the issuance thereof, except that the equivalent of phosphorus and potassium may also be shown in the form of available phosphate and soluble potash for a period of two (2) years following the effective date of the regulation. After the effective date of the regulation total nitrogen, available phosphorus, and soluble potassium shall constitute the grade.

(8) "Grade" means the percentage of total nitrogen, available phosphorus or phosphate, and soluble potassium or potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis; except specialty fertilizers may be guaranteed in fractional units of less than one percent (1%) of total nitrogen, available phosphorus or phosphate, and soluble potassium or potash and fertilizer materials, bone meal, manures, and similar materials may be guaranteed in fractional units.

(9) "Official sample" means any sample of fertilizer taken by the director and designated as "official" by the director.

(10) "Ton" means a net weight of two thousand (2,000) pounds avoirdupois.

(11) "Primary nutrient" means total nitrogen, available phosphate or phosphorus, and soluble potash or potassium.

(12) "Percent" or "percentage" means the percentage by weight.

(13) "Person" means individual, partnership, association, firm, or corporation.

(14) "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend fertilizer, or to offer for sale, sell, barter, or otherwise supply fertilizer in this state.

(15) "Distributor" means any person who distributes fertilizer in this Commonwealth.

(16) "Registrant" means the person who registers fertilizer under the provisions of KRS 250.361 to 250.451.

(17) "Label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a fertilizer.

(18) "Labeling" means all written, printed, or graphic matter, upon or accompanying any fertilizer, or verbal statements, advertisements, brochures,

posters, television or radio announcements used in promoting the sale of the fertilizer.

(19) "Investigational allowance" means an allowance for variations inherent in the taking, preparation and analysis of an official sample of fertilizer.

(20) "Manufacturer" means any person engaged in the business of preparing, mixing, or manufacturing fertilizers or the person whose name appears on the label as being responsible for the guarantee.

(21) "Manufacturing" means preparing, mixing, or combining fertilizer materials chemically or physically, including the mixing through the simultaneous application of two (2) or more fertilizer materials, by a manufacturer or contract applicator.

(22) "Lot" means an identifiable quantity of fertilizer that can be sampled according to AOAC International procedures, such as, the amount contained in a single vehicle, or the amount delivered under a single invoice, and, in the case of bagged fertilizer, not more than twenty-five (25) tons.

(23) "Blending" means physically mixing or combining two (2) or more fertilizer materials including the mixing through the simultaneous application of two (2) or more fertilizer materials by a blender or another person.

(24) "Blender" means any person who is engaged in the business of blending fertilizers.

(25) "Custom-mixed fertilizer" means a fertilizer blended according to specifications that are furnished to a blender by the consumer prior to blending.

(26) "Licensee" means the person who is licensed to distribute fertilizer.

**Effective:** July 15, 1994

**History:**

--Amended 1994 Ky. Acts ch. 331, sec. 1, effective July 15, 1994.

-- Created 1984 Ky. Acts ch. 191, sec. 2, effective July 13, 1984.

**350.370 Repealed, 1984.**

**Catchline at repeal:** Commercial fertilizer to be labeled.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

-- Amended 1952 Ky. Acts ch. 125, sec. 1, effective June 19, 1952.

-- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-3.

**250.371 Registration of brand and grade -- Exceptions.**

(1) Each brand and grade of fertilizer shall be registered in the name of that person whose name appears upon the label before being distributed in this state. The application for registration shall be submitted to the director on a form furnished by the director. For specialty fertilizers a registration fee of fifty dollars (\$50) per each grade of each brand shall accompany the registration application. Upon approval by the director, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

- (a) The net weight of packages;
- (b) The brand and grade;
- (c) The guaranteed analysis; and
- (d) The name and address of the registrant.

(2) A distributor shall not be required to register any fertilizer which is already registered under KRS 250.361 to 250.451 by another person, if the label does not differ in any respect.

(3) A blender shall not be required to register each custom-mixed farm fertilizer, but shall be required to license his firm on a form furnished by the director and to label the fertilizer as provided in subsection (2) of KRS 250.376. The label of each custom-mixed fertilizer shall be maintained by the blender for one (1) year for inspection by the director.

(4) A distributor of custom-mixed specialty fertilizers or bulk specialty fertilizers for home lawns, golf courses, recreational areas, or other nonfarm areas shall not be required to register each grade distributed but shall license his firm on a form furnished by the director for an annual fee of one hundred dollars (\$100) and label the fertilizers as provided in KRS 250.376(1). The label of each fertilizer distributed under this subsection shall be maintained by the distributor for one (1) year for inspection by the director.

**Effective:** July 15, 1994

**History:**

--Amended 1994 Ky. Acts ch. 331, sec. 2, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 3, effective July 13, 1984.

### **250.372 Preemption of local legislation regulating fertilizer.**

(1) No city, town, county, or other political subdivision of the Commonwealth shall adopt or continue in effect any ordinance, resolution, rule, or regulation regarding the registration, packaging, labeling, sale, storage, distribution, use, and application of fertilizers regulated pursuant to KRS 250.371. Local legislation in violation of this section is void and unenforceable.

(2) Nothing in this section shall be construed to:

- (a) Abrogate any authority afforded by the state statutes to any program cabinet established under KRS Chapter 12 or any state or federal mandated hazardous materials regulations or fire safety codes and comprehensive hazardous materials management program;
- (b) Abrogate the planning and zoning authority granted local government pursuant to KRS Chapter 100; or
- (c) Waive any reporting requirement established by state or federal law or regulation.

**Effective:** June 26, 2007

**History:**

--Created 2007 Ky. Acts ch. 17, sec. 2, effective June 26, 2007.

### **250.376 Labeling.**

(1) Any fertilizer distributed in this state in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

- (a) Net weight;
- (b) Brand and grade, except that the grade shall not be required when no primary nutrients are claimed;
- (c) Guaranteed analysis; and

- (d) Name and address of the registrant or licensee. In case of bulk shipments, this information in written or printed form shall accompany each delivery and be supplied to the purchaser at time of delivery.

(2) A custom-mixed farm fertilizer shall be labeled to show the net weight, the guaranteed analysis, or the guaranteed analysis and net weight of each material used in the formulation or both, and the name and address of the licensee and the consumer.

**Effective:** July 15, 1994

**History:**

--Amended 1994 Ky. Acts ch. 331, sec. 3, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 4, effective July 13, 1984.

### **250.380 Repealed, 1984.**

**Catchline at repeal:** Label guarantees -- Not to be used fraudulently -- Civil liability.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Amended 1952 Ky. Acts ch. 125, sec. 2, effective June 19, 1952.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-9.

### **250.381 Inspection fee -- Quarterly statements.**

(1) There shall be paid to the Kentucky Agricultural Experiment Station for all fertilizers distributed in this state to nonregistrants or nonlicensees an inspection fee at the rate of fifty cents (\$0.50) per ton; except sales or exchanges between importers, manufacturers, distributors, licensees, or registrants are exempted.

(2) Every registrant or licensee who distributes fertilizer in the state shall file on forms approved by the director a quarterly statement setting forth the number of net tons of each grade of fertilizer distributed in this state, the county of the consignee, the form in which the fertilizer was distributed, e.g., bags, bulk, or liquid, and whether the fertilizer was for farm or nonfarm use. The report shall be due on or before the last day of January, April, July, and October of each year, and upon the filing of the statement the registrant or licensee shall pay the inspection fee at the rate stated in

subsection (1) of this section. If the tonnage report is not filed and the payment of inspection fees is not made within fifteen (15) days after the due date, a collection fee, amounting to ten percent (10%), with a minimum of fifty dollars (\$50), of the amount due shall be assessed against the registrant or licensee and added to the amount due.

(3) If more than one (1) person is involved in the distribution of a fertilizer, the last person who has the fertilizer registered or is licensed and who distributed to a nonregistrant dealer or consumer shall be responsible for reporting the tonnage and paying the inspection fee, unless the report and payment are made by a prior distributor of the fertilizer.

(4) On individual packages of fertilizer containing ten (10) pounds or less, there shall be paid, in lieu of the inspection fee of fifty cents (\$0.50) per ton required by subsection (1) of this section, an annual inspection fee of fifty dollars (\$50) for each grade of each brand sold or distributed. If a person distributes fertilizer in packages of ten (10) pounds or less and in packages over ten (10) pounds, the annual fee shall apply only to that portion distributed in packages of ten (10) pounds or less.

(5) Fees collected shall be used for the payment of the costs of inspecting, sampling, analyzing, and other expenses necessary for the administration of KRS 250.361 to 250.451.

(6) No information furnished to the director under this section shall be disclosed in a way to divulge the operation of any person.

**Effective:** June 24, 2003

**History:**

--Amended 2003 Ky. Acts ch. 163, sec. 1, effective June 24, 2003.

--Amended 1994 Ky. Acts ch. 331, sec. 4, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 5, effective July 13, 1984.

**250.386 Repealed, 2003.**

**Catchline at repeal:** Reporting of consignments to nonregistrant.

**History:**

--Repealed 2003 Ky. Acts ch. 163, sec. 3, effective June 24, 2003.

--Amended 1994 Ky. Acts ch. 331, sec. 5, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 6, effective July 13, 1984.

**250.390 Repealed, 1984.**

**Catchline at repeal:** Seller to furnish director with affidavit concerning fertilizer.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Amended 1952 Ky. Acts ch. 125, sec. 3, effective June 19, 1952.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-1.

**250.391 Analysis of fertilizers.**

(1) It shall be the duty of the director to sample, inspect, make analyses of, and test fertilizers distributed within this state at any time and place and to the extent he may deem necessary to determine whether the fertilizers are in compliance with the provisions of KRS 250.361 to 250.451. The director may enter upon any public or private premises or carriers during regular business hours in order to have access to fertilizer subject to the provisions of KRS 250.361 to 250.451 and the administrative regulations pertaining thereto, and to the records relating to their distribution.

(2) The methods of sampling and analysis shall be those adopted by the AOAC International, 2200 Wilson Boulevard, Suite 400, Arlington, VA 22201-3301. In cases not covered by such methods, or in cases where methods are available in which improved applicability has been demonstrated, the director may adopt appropriate methods from other sources.

(3) The director, in determining for administrative purposes whether any fertilizer is deficient in plant food, shall be guided by the official sample as defined in KRS 250.366(9), and obtained and analyzed as provided for in subsection (2) of this section.

(4) The results of official analysis of fertilizers and portions of official samples shall be distributed by the director as provided by administrative regulation and in KRS 250.416. Official samples establishing a penalty for nutrient deficiency shall be retained for a minimum of ninety (90) days from issuance of a deficiency report.

**Effective:** July 15, 1994

**History:**

--Amended 1994 Ky. Acts ch. 331, sec. 6, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 7, effective July 13, 1984.

**250.396 Penalty for fertilizer deficiency.**

(1) If the analysis shall show that a fertilizer is deficient in one (1) or more of its guaranteed primary plant nutrients beyond the investigational allowances as established by regulation, or if the overall index value of the fertilizer is below the level established by administrative regulation, a penalty payment shall be assessed. The penalty shall not exceed three (3) times the monetary value of the deficiency or the retail value of the lot of fertilizer, whichever is less, with the penalty assessment being adjusted for the magnitude of the deficiency and the value of any overages of guaranteed nutrients as established by regulation.

(2) Deficiencies beyond the investigational allowances as established by regulation in constituents other than total nitrogen (N), available phosphate (P205), or soluble potash (K20), which the registrant or licensee is required to or may guarantee, shall be evaluated and penalty payments assessed and paid as established by administrative regulation.

(3) If, upon satisfactory evidence, a person is shown to have altered the content of a fertilizer shipped to him by a registrant or to have mixed or commingled fertilizer from two (2) or more suppliers so that the result of either alteration changes the analysis of the fertilizer as originally guaranteed, that person shall become responsible for obtaining a registration and shall be held liable for all penalty payments and be subject to other provisions of KRS 250.361 to 250.451, including seizure, condemnation, and stop sale.

(4) Nothing contained in this section shall prevent any person from appealing to a court of competent jurisdiction praying for judgment as to the justification of the penalty payments.

**Effective:** July 15, 1994

**History:**

--Amended 1994 Ky. Acts ch. 331, sec. 7, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 8, effective July 13, 1984.

**250.400 Repealed, 1984.**

**Catchline at repeal:** Director to permit sales of labeled fertilizer.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Amended 1952 Ky. Acts ch. 125, sec. 4, effective June 19, 1952.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-2.

**250.401 Determination and publication of commercial values.**

For the purpose of determining the commercial value to be applied under the provisions of KRS 250.396, the director shall determine and publish annually the values per unit of nitrogen, available phosphate, and soluble potash in fertilizers in this state. If guarantees are as provided in KRS 250.366(7), the values shall be per unit of nitrogen, phosphorus, and potassium. The values determined and published shall be used in determining and assessing penalty payments.

**Effective:** July 15, 1994

**History:**

--Amended 1994 Ky. Acts ch. 331, sec. 8, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 9, effective July 13, 1984.

**250.406 Distribution of misbranded fertilizer prohibited.**

No person shall distribute misbranded fertilizer. A fertilizer shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular;

(2) If it is distributed under the name of another fertilizer product;

(3) If it is not labeled as required in KRS 250.376 and in accordance with regulations prescribed under KRS 250.421; or

(4) If it purports to be or is represented as a fertilizer, or is represented as containing a plant nutrient or fertilizer, unless such plant nutrient or fertilizer conforms to the definition of identity, if any, prescribed by regulation of the director; in adopting such regulations the director shall give due regard to commonly accepted definitions and official fertilizer terms such as those issued by the Association of American Plant Food Control officials.

**Effective:** July 13, 1984

**History:**

--Created 1984 Ky. Acts ch. 191, sec. 10, effective July 13, 1984.

**250.410 Repealed, 1984.**

**Catchline at repeal:** Fees for sales or importations of fertilizer -- Reports -- Payment.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Amended 1952 Ky. Acts ch. 125, sec. 5, effective June 19, 1952.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-5.

**250.411 Distribution of adulterated fertilizer prohibited.**

No person shall distribute an adulterated fertilizer product. A fertilizer shall be deemed to be adulterated:

(1) If it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to beneficial plant life when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use which may be necessary to protect plant life are not shown upon the label;

(2) If it contains unwanted crop seed or weed seed; or

(3) If its composition falls below or differs from that which it is purported to possess by its labeling.

**Effective:** July 13, 1984

**History:**

--Created 1984 Ky. Acts ch. 191, sec. 11, effective July 13, 1984.

**250.416 Publication of information by director.**

The director shall publish, at least annually, and in such forms as he may deem proper, information concerning the distribution of fertilizers and results of analyses based on official samples of fertilizer distributed within the state as compared with analyses guaranteed under KRS 250.371 and 250.376.

**Effective:** July 13, 1984

**History:**

--Created 1984 Ky. Acts ch. 191, sec. 12, effective July 13, 1984.

**250.420 Repealed, 1984.**

**Catchline at repeal:** Director to refuse registration if fertilizer thought worthless.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Amended 1952 Ky. Acts ch. 125, sec. 6, effective June 19, 1952.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-12.

**250.421 Director to enforce statutes and regulations.**

The director shall enforce the provisions of KRS 250.371 to 250.451 and make and enforce such regulations as may be necessary to carry into effect the full intent and meaning of KRS 250.371 to 250.451.

**Effective:** July 13, 1984

**History:**

--Created 1984 Ky. Acts ch. 191, sec. 13, effective July 13, 1984.

**250.426 Deceptive practices prohibited.**

It shall be unlawful to make, in any manner whatsoever, any false or deceptive statement or representation in regard to any fertilizer offered for

sale, sold, or distributed in this state, or to use any misleading or deceptive trademark or brand name in connection therewith.

**Effective:** July 13, 1984

**History:**

--Created 1984 Ky. Acts ch. 191, sec. 14, effective July 13, 1984.

**250.430 Repealed, 1984.**

**Catchline at repeal:** Director may sample fertilizer.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-7.

**250.431 Revocation or refusal of registration -- Appeal.**

The director may cancel the registration of any brand of fertilizer or the license of any person or refuse to register any brand of fertilizer or license any person upon satisfactory evidence that the registrant or licensee has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of KRS 250.361 to 250.451 or any administrative regulations promulgated there under. No registration or license shall be revoked or refused until the person (registrant or licensee) shall have been given the opportunity to appear for an informal hearing by the director. If a registration or license is revoked or refused as the result of an informal hearing, the registrant or licensee may appeal, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

**Effective:** July 15, 1996

**History:**

--Amended 1996 Ky. Acts ch. 318, sec. 166, effective July 15, 1996.

--Amended 1994 Ky. Acts ch. 331, sec. 9, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 15, effective July 13, 1984.

**250.436 "Stop sale, use, or removal" order.**

The director may issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of fertilizer and to hold it at a designated place, when the director finds said fertilizer is being offered or exposed for sale in violation of any of the provisions of KRS 250.371 to 250.451, until the law has been complied with and said fertilizer is released in writing by the director, or said violation has been otherwise legally disposed of by written authority. The director shall release the fertilizer so withdrawn when the requirements of the provisions of KRS 250.371 to 250.451 have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.

**Effective:** July 13, 1984

**History:**

--Created 1984 Ky. Acts ch. 191, sec. 16, effective July 13, 1984.

**250.440 Repealed, effective July 13, 1984.**

**Catchline at repeal:** Purchaser of fertilizer may have analysis made.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-8.

**250.441 Seizure of fertilizer.**

Any lot of fertilizer not in compliance with the provisions of KRS 250.371 to 250.451 shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which said fertilizer is located. In the event the court finds the said fertilizer to be in violation of KRS 250.371 to 250.451 and orders the condemnation of said fertilizer, it shall be disposed of in any manner consistent with the quality of the fertilizer and the laws of the state, except in no instance shall the disposition of said fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said fertilizer or for permission to reprocess or relabel said fertilizer to bring it into compliance with KRS 250.371 to 250.451.

**Effective:** July 13, 1984

**History:**

--Created 1984 Ky. Acts ch. 191, sec. 17, effective July 13, 1984.



**250.446 Notice of violation -- Hearing -- Administrative sanctions -- Prosecution in court -- Injunctive relief.**

(1) If it shall appear from the examination of any fertilizer that any of the provisions of KRS 250.361 to 250.451 or regulations issued there under have been violated, the director shall notify the registrant, licensee, distributor, or processor from whom the sample was taken of the alleged violations and designate a time and place for an informal hearing under administrative regulations promulgated by the director. If it appears after the informal hearing, either in the presence or absence of the person so notified, that any of the provisions of KRS 250.361 to 250.451 or administrative regulations promulgated there under have been violated, the director may issue a letter of reprimand, levy a fine pursuant to KRS 250.990, or impose any other administrative penalties or sanctions authorized under KRS 250.361 to 250.451. Any penalty or sanction imposed as a result of an informal hearing may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

(2) Nothing in KRS 250.361 to 250.451 shall be construed as requiring the director to report for prosecution or for the institution of seizure proceedings minor violations of KRS 250.361 to 250.451, when he believes that the public interests will be best served by a letter of reprimand.

(3) If, after completing the hearing process contained in subsection (1) of this section, the director has probable cause to believe that a criminal offense has been committed, he shall report the matter to the Attorney General or the county attorney of the county in which the alleged offense occurred. It shall be the duty of the Attorney General or appropriate county attorney to whom any offenses are reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(4) The director may petition a court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of KRS 250.361 to 250.451 or any administrative regulation promulgated under KRS 250.361 to 250.451, notwithstanding the existence of other remedies at law. The injunction shall be issued without bond.

**Effective:** July 15, 1996

**History:**

--Amended 1996 Ky. Acts ch. 318, sec. 167, effective July 15, 1996.

--Amended 1994 Ky. Acts ch. 331, sec. 10, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 18, effective July 13, 1984.

**250.450 Repealed, 1984.**

**Catchline at repeal:** Director to analyze every fertilizer annually -- Results to be published.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-10.

**250.451 Sales or exchanges among distributors not restricted.**

Nothing in KRS 250.361 to 250.451 shall be construed to restrict or avoid sales or exchanges of fertilizers to each other by distributors who mix fertilizer materials for sale, or prevent the free and unrestricted shipments of fertilizer to distributors who have registered their brands or are licensed as required by provisions of KRS 250.361 to 250.451.

**Effective:** July 15, 1994

**History:**

--Amended 1994 Ky. Acts ch. 331, sec. 11, effective July 15, 1994.

--Created 1984 Ky. Acts ch. 191, sec. 19, effective July 13, 1984.

**250.460 Repealed, 1984.**

**Catchline at repeal:** Director may require fertilizer manufacturers to notify him of shipments into state.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-11.

**250.461 Short title for KRS 250.361 to 250.451.**

KRS 250.361 to 250.451 shall be known as the "Kentucky Fertilizer Law."

**Effective:** July 15, 1994

**History:**

--Amended 1994 Ky. Acts ch. 331, sec. 12, effective July 15, 1994.

--Created

1984 Ky. Acts ch. 191, sec. 22, effective July 13, 1984.

**250.470 Repealed, 1984.**

**Catchline at repeal:** Director to report biennially to commissioner.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-6.

**250.480 Repealed, 1984**

**Catchline at repeal:** Director to enforce KRS 250.360 to 250.480 and make regulations.

**History:**

--Repealed 1984 Ky. Acts ch. 191, sec. 21, effective July 13, 1984.

--Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1822-7.