



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0189/3
RCT:jld:rs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 165**

September 26, 2011 - Offered by Representative KNILANS.

1 **AN ACT to repeal and recreate** 94.643 (4) of the statutes; **relating to:** the
2 display of turf fertilizer containing phosphorus.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from applying fertilizer containing phosphorus to grass, except under specified circumstances. The law also prohibits a retailer from displaying grass fertilizer that contains phosphorus. A retailer may post a sign stating that grass fertilizer containing phosphorus is available upon request for use in the circumstances allowed under the law.

This bill creates an exception to the prohibition on the retail display of grass fertilizer that contains phosphorus for fertilizer that is labeled for use in establishing grass. To be eligible for the exception, the bill requires the retailer to display that grass fertilizer next to grass seed and to post a sign describing the general prohibition against applying fertilizer that contains phosphorus to grass and the exceptions to the prohibition.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 94.643 (4) of the statutes is repealed and recreated to read:

1 94.643 (4) SIGN REQUIRED. No person who sells fertilizer at retail may display
2 turf fertilizer that is labeled as containing phosphorus or available phosphate, except
3 that a person may display turf fertilizer that is labeled for the use under sub. (2) (b)
4 1. if all of the following apply:

5 (a) The person displays that turf fertilizer next to grass seed.

6 (b) The person posts, in a prominent location where that turf fertilizer is
7 displayed, a sign that is at least 8.5 inches by 11 inches in size, that is clearly visible,
8 and that states: "Phosphorous run-off poses a threat to water quality. When used
9 properly, starter fertilizer containing phosphorus can help new lawns achieve strong
10 roots. For those reasons, the application of fertilizer containing phosphorus to turf
11 is prohibited by state law except for the following purposes:

12 1. For establishing grass, using seed or sod, during the growing season in which
13 a person began establishing the grass.

14 2. For application to an area if the soil in the area is deficient in phosphorus,
15 as shown by a soil test performed no more than 36 months before the application by
16 a laboratory."

17 (END)