## 2007 ASSEMBLY BILL 396

- June 14, 2007 Introduced by Representatives BIES, BALLWEG, BERCEAU, BLACK, BOYLE, HUBLER, JORGENSEN, LOTHIAN, MOLEPSKE, RICHARDS, SHERMAN, SMITH, TAUCHEN and VAN ROY, cosponsored by Senators Miller, Cowles, HANSEN, JAUCH, A. LASEE, LEHMAN, RISSER, SULLIVAN and BRESKE. Referred to Committee on Natural Resources.
- 1 AN ACT *to create* 94.643 of the statutes; **relating to:** restrictions on the use and
- 2 sale of fertilizer containing phosphorus and other lawn fertilizer and providing
- 3 a penalty.

#### Analysis by the Legislative Reference Bureau

This bill generally prohibits the application of fertilizer that contains phosphorus to lawns, golf courses, and other mowed grassy areas (turf). The prohibition does not apply to land used for agricultural production. The bill authorizes the use of fertilizer that contains phosphorus to establish grass during the first growing season. The bill also authorizes the application of fertilizer containing phosphorus to an area if a soil test shows that the soil in the area is deficient in phosphorus. The bill prohibits the application of fertilizer to turf when the ground is frozen. The bill also prohibits the application of lawn fertilizer to an impervious surface and requires a person who spills lawn fertilizer onto an impervious surface to immediately remove the fertilizer.

This bill prohibits the retail sale of lawn fertilizer containing phosphorus unless the fertilizer is sold for one of the purposes for which it is authorized to be used. The bill prohibits a retailer from displaying lawn fertilizer that contains phosphorus, but authorizes a retailer to post a sign stating that lawn fertilizer containing

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phosphorus is available upon request for the purposes for which the bill allows it to be used.

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

1 **SECTION 1.** 94.643 of the statutes is created to read: 2 94.643 Restrictions on the use and sale of fertilizer containing 3 **phosphorus.** (1) DEFINITIONS. In this section: 4 (a) "Fertilizer" has the meaning given in s. 94.64 (1) (e). 5 (b) "Turf" means land, including residential property, golf courses, and publicly 6 owned land, that is planted in closely mowed, managed grass, except that "turf" does 7 not include pasture, land used to grow grass for sod, or any other land used for 8 agricultural production. 9 (2) RESTRICTIONS ON USE. (a) Except as provided in par. (b), no person may apply 10 to turf fertilizer that is labeled as containing phosphorus. 11 (b) 1. Paragraph (a) does not apply to a person who applies fertilizer in order 12 to establish grass, using seed or sod, during the growing season in which the person 13 began establishing the grass. 14 2. Paragraph (a) does not apply to a person who applies fertilizer to an area if 15 the soil in the area is deficient in phosphorus, as shown by a soil test performed, no 16 more than 36 months before the application, by a laboratory that is certified by the 17 department to conduct tests for soil phosphorus. (c) No person may apply fertilizer to turf when the ground is frozen. 18 19 (d) No person may intentionally apply lawn fertilizer to an impervious surface. 20 A person who accidentally applies lawn fertilizer to an impervious surface shall 21 immediately remove the fertilizer.

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1 (3) RESTRICTION ON SALE. No person may sell at retail lawn fertilizer that is 2 labeled as containing phosphorus, except that a person may sell at retail lawn 3 fertilizer that is labeled as containing phosphorus for any of the following purposes: 4 (a) For establishing grass, using seed or sod, during the growing season in 5 which the purchaser began establishing the grass. 6 (b) For application to an area if the soil in the area is deficient in phosphorus, 7 as shown by a soil test performed no more than 36 months before the application by 8 a laboratory that is certified by the department to conduct tests for soil phosphorus. 9 (c) For application to pasture, land used to grow grass for sod, or any other land 10 used for agricultural production. 11 (4) **RESTRICTION ON DISPLAY.** No person who sells fertilizer at retail may display 12 lawn fertilizer that is labeled as containing phosphorus. A person who sells fertilizer 13 at retail may post a sign advising customers that lawn fertilizer containing 14 phosphorus is available upon request for uses permitted by sub. (2) (b). 15 (5) PENALTY. Any person who violates this section may be required to forfeit not 16 more than \$50 for a first violation and not less than \$200 nor more than \$500 for a 17 2nd or subsequent violation. 18

### **SECTION 2. Effective date.**

19 (1) This act takes effect on the first day of the 12th month beginning after 20 publication.

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(END)