

10 ninety-six point three (196.3) of the Code shall be exempt from the
11 provisions of this section."

1 SEC. 6. Section one hundred ninety-six point eighteen (196.18)
2 Code 1962, is hereby amended by striking in line eight (8) the word
3 "second" and inserting in lieu thereof the word "third".

4 Further amend said section by striking the word "third" in line nine
5 (9) and inserting in lieu thereof the word "fourth".

1 SEC. 7. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 The Lamoni Chronicle, a newspaper published at Lamoni, Iowa, and in
4 The Bloomfield Democrat, a newspaper published at Bloomfield, Iowa.

Approved June 4, 1965.

I hereby certify that the foregoing Act, Senate File 398, was published in The Lamoni Chronicle, Lamoni, Iowa, June 17, 1965, and in The Bloomfield Democrat, Bloomfield, Iowa, June 17, 1965.

GARY L. CAMERON, *Secretary of State.*

CHAPTER 194

FERTILIZERS AND SOIL CONDITIONERS

S. F. 500

AN ACT relating to the distribution of commercial fertilizer and soil conditioners, to provide for registration and examination of such materials, and regulation of their use and to promote safety in transporting, storing and handling of anhydrous ammonia.

Be It Enacted by the General Assembly of the State of Iowa:

Chapter two hundred (200), Code 1962, is hereby repealed and the following enacted in lieu thereof.

1 SECTION 1. **Title.** This Act shall be known and may be cited by
2 the short title of "Iowa Fertilizer Law."

1 SEC. 2. **Enforcing official.** This Act shall be administered by the
2 secretary of agriculture, hereinafter referred to as the secretary.

1 SEC. 3. **Definitions of words and terms.** When used in this Act:
2 1. The term "fertilizer" means any substance containing one or
3 more recognized plant nutrient which is used for its plant nutrient
4 content and which is designed for use and claimed to have value in
5 promoting plant growth except unmanipulated animal and vegetable
6 manures or calcium and magnesium carbonate materials used primar-
7 ily for correcting soil acidity.
8 2. The term "fertilizer material" means any substance used as a
9 fertilizer or for compounding a fertilizer containing one or more of the
10 recognized plant nutrients which are used for promoting plant growth
11 or altering plant composition.

12 3. The term "unmanipulated manures" means any substances com-

13 posed primarily of excreta, plant remains, or mixtures of such sub-
14 stances which have not been processed in any manner.

15 4. The term "commercial fertilizer" includes fertilizer and fertilizer
16 materials and fertilizer-pesticide mixtures.

17 5. A "specialty fertilizer" is a commercial fertilizer distributed pri-
18 marily for nonfarm use, such as home gardens, lawns, shrubbery,
19 flowers, golf courses, municipal parks, cemeteries, greenhouses and
20 nurseries, and may include commercial fertilizers used for research or
21 experimental purposes.

22 6. The term "bulk fertilizer" shall mean commercial fertilizer de-
23 livered to the purchaser in the solid, liquid, or gaseous state, in a non-
24 packaged form to which a label cannot be attached.

25 7. The term "anhydrous ammonia" means the compound formed by
26 the combination of two gaseous elements, nitrogen and hydrogen, in
27 the proportion of one part nitrogen to three parts hydrogen by volume.

28 8. The term "pesticide" as used in this Act means insecticides, miti-
29 cides, nematocides, fungicides, herbicides and any other substance used
30 in pest control.

31 9. A "soil conditioner" is any substance which when added to the
32 soil or applied to plants will produce a favorable growth, yield or qual-
33 ity of crop or soil flora or fauna or other soil characteristics, other
34 than a fertilizer, recognized pesticide, unmanipulated animal and
35 vegetable manures or calcium and magnesium carbonate materials
36 used primarily for correcting soil acidity.

37 10. The term "brand" means a term, design, or trademark used in
38 connection with one or several grades of commercial fertilizer.

39 11. The term "grade" means the percentages of total nitrogen,
40 available phosphorus or P_2O_5 or both, and soluble potassium or K_2O
41 or both stated in whole numbers in same terms, order and percentages
42 as in the "guaranteed analysis".

43 12. *Guaranteed analysis:*

44 a. The term "guaranteed analysis" shall mean the minimum per-
45 centage of plant nutrients claimed and reported as Total Nitrogen
46 (N), Available Phosphorus (P) or P_2O_5 or both, Soluble Potassium
47 (K) or K_2O or both and in the following form:

48 Total Nitrogen (N)percent
49 Available Phosphorus (P) or P_2O_5 or both.....percent
50 Soluble Potassium (K) or K_2O or both.....percent

51 Registration and guarantee of water soluble phosphorus (P) or
52 (P_2O_5) shall be permitted.

53 b. The term "guaranteed analysis", in the form specified in para-
54 graph "a" includes:

55 (1) For unacidulated mineral phosphatic materials and basic slag,
56 both total and available phosphorus or P_2O_5 or both and the degree of
57 fineness. For bone tankage and other organic phosphatic materials,
58 total phosphorus or P_2O_5 or both.

59 (2) When any additional plant nutrient elements contained in a
60 substance as identified in subsection one (1) of this section, are
61 claimed in writing, they shall be identified in the guarantee, expressed
62 as the element, and shall be subject to inspection and analysis in
63 accordance with the methods and regulations that may be prescribed
64 by the Association of Official Agricultural Chemists.

65 13. The term "official sample" means any sample of commercial fer-
66 tilizer taken by the secretary or his agent.

67 14. The term "ton" means a net weight of two thousand pounds
68 avoirdupois.

69 15. The term "percent or percentage" means the percentage by
70 weight.

71 16. The term "person" includes individual, partnership, association,
72 firm and corporation.

73 17. The term "distributor" means any person who imports, con-
74 signs, manufactures, produces, compounds, mixes, or blends commer-
75 cial fertilizer, or who offers for sale, sells, barter, or otherwise dis-
76 tributes commercial fertilizer in this state.

77 18. The term "sell" or "sale" includes exchange.

78 19. Words importing the singular number may extend and be ap-
79 plied to several persons or things, and words importing the plural
80 number may include the singular.

1 SEC. 4. Licenses.

2 1. Any person who manufactures, mixes, blends, or mixes to cus-
3 tomers order any fertilizer or soil conditioner offered for sale, sold, or
4 distributed in Iowa must first obtain a license from the secretary of
5 agriculture and shall pay a ten-dollar license fee for each plant or
6 place of manufacture, from which fertilizer or soil conditioner prod-
7 ucts are sold or distributed in Iowa. Such license fee shall be paid
8 annually on July 1 of each year and the manufacturer, blender or mixer
9 shall at the same time, list the name and address of each such plant or
10 place of manufacture, from which sale or distribution is made.

11 2. Said licensee shall at all times produce an intimate and uniform
12 mixture of fertilizers or soil conditioners. When two or more fertilizer
13 materials are delivered in the same load, they shall be thoroughly and
14 uniformly mixed unless they are in separate compartments.

1 SEC. 5. Registration.

2 1. Each brand and grade of commercial fertilizer and each soil con-
3 ditioner shall be registered before being offered for sale, sold or other-
4 wise distributed in this state; except that a commercial fertilizer for-
5 mulated according to special specifications furnished by a consumer to
6 fill his order shall not be required to be registered, but shall be labeled
7 as provided in subsection three (3) of section six (6). The application
8 for registration shall be submitted to the secretary on forms furnished
9 by the secretary and shall be accompanied by a label setting forth the
10 guaranteed analysis which shall be the same as that appearing on the
11 registered product.

12 2. All registration will be permanent, provided, however, that the
13 secretary may request a listing of products to be currently manufac-
14 tured. The application shall include the following information in the
15 following order:

16 a. Net weight, if sold in packaged form.

17 b. Name and address of the registrant.

18 c. Name of product.

19 d. Brand.

20 e. Grade.

21 f. Guaranteed analysis.

22 3. In addition to the information required in subsection two (2) of
23 this section, applications for registration of soil conditioners must
24 include the name or chemical designation and percentage of content of
25 each of the active ingredients.

26 4. The secretary is authorized, after public hearing, following due
27 notice, to adopt rules and regulations regulating the labeling and regis-
28 tration of specialty fertilizers and other fertilizer products, when
29 necessary in his opinion. He may require any reasonable information
30 in addition to subsection twelve (12) of section three (3), which is
31 necessary and useful to the purchasers of specialty fertilizers of this
32 state and to promote uniformity among states.

33 5. The secretary is authorized after public hearing, following due
34 notice, to establish minimum acceptable levels of trace and secondary
35 elements recognized as effective to aid crops produced in Iowa and to
36 require such warning statements as may be deemed necessary to pre-
37 vent injury to crops.

38 6. The secretary, whenever he deems it necessary in the adminis-
39 tration of this Act, may require the submission of additional data
40 about any fertilizer or product to support the claims made for it. If
41 it appears to the secretary that the composition of the article is such
42 as to warrant the claims made for it, and if the article, its labeling and
43 other material required to be submitted, comply with the requirements
44 of this Act, he shall register the product.

45 7. If it does not appear to the secretary that the article is such as to
46 warrant the proposed claims for it, or if the article and its labeling
47 and other material required to be submitted does not comply with the
48 provision of this Act, he shall notify the registrant of the manner in
49 which the article, labeling, or other material required to be submitted
50 fails to comply with this Act so as to afford the registrant an oppor-
51 tunity to make the necessary corrections before resubmitting the label.

52 8. It shall be the responsibility of the registrant to submit satis-
53 factory evidence of favorable effects and safety of the product.

54 9. A distributor shall not be required to register any brand and
55 grade of commercial fertilizer which is already registered under this
56 Act by another person.

1 SEC. 6. Labeling.

2 1. Any commercial fertilizer offered for sale or sold or distributed
3 in this state in bags, or other containers, shall have placed on or affixed
4 to the container in legibly written or printed form, the information
5 required by subsection two (2) of section five (5); either on tags
6 affixed to the end of the package or directly on the package.

7 2. If distributed in bulk, the shipment must be accompanied by a
8 written or printed statement giving the purchaser's name and address
9 in addition to the labeling requirement set forth in subsection two (2)
10 of section five (5).

11 3. A commercial fertilizer formulated according to specifications
12 which are furnished by a consumer prior to mixing shall be labeled to
13 show the net weight, guaranteed analysis, and the name and address
14 of the distributor and may show the net weight and guaranteed analy-
15 sis of each of the fertilizer materials or soil conditioners used. It is
16 the responsibility of the distributor to mix these materials uniformly

17 and intimately so that when sampled in the prescribed manner the
18 resulting analysis would meet the guarantee.

19 4. All bulk bins or intermediate storage of bulk commercial fer-
20 tilizer where being offered for sale or distributed direct to the con-
21 sumer shall be labeled showing brand, name and grade of product.

22 5. All fertilizers distributed or stored in bulk, unless in the manu-
23 facturers authorized containers shall be labeled as the responsibility
24 of the possessor.

25 6. Soil conditioners shall be labeled in accordance with subsection
26 one (1) of this section and in addition shall show the name or chemical
27 designation and content or the active ingredients.

1 **SEC. 7. Fertilizer-pesticide mixture.** Only those persons, licensed
2 under section four (4) of this Act shall be permitted to add pesticides
3 to commercial fertilizers. These persons shall at all times produce a
4 uniform mixture of fertilizer and pesticide and shall register and label
5 their product in compliance with both the Iowa Pesticide Act and this
6 Act.

1 **SEC. 8. Inspection fees.**

2 1. There shall be paid by the licensee to the secretary for all com-
3 mercial fertilizers and soil conditioners sold, or distributed in this
4 state, an inspection fee to be fixed annually by the secretary of agri-
5 culture at not more than twenty cents per ton: Except sales for manu-
6 facturing purposes only are hereby exempted from fees but must still
7 be reported showing manufacturer who purchased same. Payment of
8 said inspection fee by any licensee shall exempt all other persons, firms
9 or corporations from the payment thereof.

10 On individual packages of commercial fertilizer containing twenty-
11 five pounds or less there shall be paid a tonnage inspection fee of not
12 less than twenty-five dollars for each product registered, for each six-
13 month period of registration.

14 2. Every licensee under this Act in this state shall:

15 a. File not later than the last day of January and July of each year,
16 on forms furnished by secretary, a semiannual statement setting forth
17 the number of net tons of commercial fertilizer or soil conditioners
18 distributed in this state by grade for each county during the preceding
19 six months period; and upon filing such statement shall pay the in-
20 spection fee at the rate stated in subsection one (1) of this section.

21 b. If the tonnage report is not filed and the payment of inspection
22 fees is not made within ten days after the date due, a penalty amount-
23 ing to ten percent, minimum fifty dollars, of the amount due shall be
24 assessed against the licensee and the amount of fees due plus penalty
25 shall constitute a debt and become the basis of a judgment against the
26 licensee.

1 **SEC. 9. Fertilizer fund.** Fees collected for licenses and inspection
2 fees under sections four (4) and eight (8) shall be deposited in the
3 treasury to the credit of the fertilizer fund to be used only by the
4 department of agriculture for the purpose of inspection, sampling,
5 analysis, preparation and publishing of reports and other expenses
6 necessary for administration of this Act. The secretary may assign
7 moneys to the Iowa agricultural experiment station for research, work

8 projects, investigations as may be needed for the specific purpose of
9 improving the regulatory functions for enforcement of this Act.

1 **SEC. 10. Inspection, sampling and analysis.**

2 1. It shall be the duty of the secretary, who may act through his
3 authorized agent, to sample, inspect, make analysis of, and test com-
4 mercial fertilizers or soil conditioners distributed within this state at
5 time and place and to such an extent as he may deem necessary, to
6 determine whether such commercial fertilizers and soil conditioners
7 are in compliance with the provisions of this Act. In the performance
8 of the foregoing duty, the secretary shall counsel with the director of
9 the Iowa agricultural experimental station in respect to the time, place
10 and extent of sampling. The secretary individually or through his
11 agent, is authorized to enter upon any public or private premises or
12 conveyances during regular business hours in order to have access to
13 commercial fertilizers or soil conditioners subject to the provisions
14 of this Act and the rules and regulations pertaining thereto. It shall
15 be the duty of the secretary to maintain a laboratory with the neces-
16 sary equipment and to employ such employees as may be necessary to
17 aid in the administration and enforcement of this Act.

18 2. The methods of sampling and analysis shall be the official meth-
19 ods of the association of official agricultural chemists in all cases
20 where methods have been adopted by the association.

21 The findings of the state chemist or his deputy, as shown by the
22 sworn statement of the results of analysis of official samples of any
23 brand and grade of commercial fertilizer, fertilizer material or soil
24 conditioner, shall constitute prima-facie evidence of their correctness
25 in the courts of this state, as to the particular lots sampled and ana-
26 lyzed.

27 3. The secretary, in determining for administrative purposes
28 whether any commercial fertilizer is deficient in plant food, or soil
29 conditioner deficient in guaranteed active ingredients, shall be guided
30 by the official sample as defined in subsection thirteen (13) of section
31 three (3), and obtained and analyzed as provided for in subsection
32 two (2) of section ten (10).

33 4. The results of official analysis of any commercial fertilizer or soil
34 conditioner which has been found to be in violation of any provision
35 of this Act, shall be forwarded by the secretary to the registrant.
36 Upon request, the secretary shall furnish to the registrant a portion
37 of any sample.

1 **SEC. 11. Filler material.** It shall be unlawful for any person to
2 manufacture, offer for sale or sell in this state, any commercial fer-
3 tilizer, or soil conditioner containing any substance used as a filler
4 that is injurious to crop growth or deleterious to the soil, or to use in
5 such commercial fertilizer, or soil conditioner as a filler any substance
6 that contains inert or useless plant food material for the purpose or
7 with the effect of deceiving or defrauding the purchaser.

1 **SEC. 12. False or misleading statements.** A commercial fertilizer
2 or soil conditioner is misbranded if it does not identify substances
3 promoting plant growth as defined in subsection one (1) of section
4 three (3), or if it carries any false or misleading statement upon or
5 attached to the container or stated on the invoice or delivery ticket, or

6 if the container or on the invoice or delivery ticket or in any advertis-
7 ing matter whatsoever connected with, accompanying or associated
8 with the commercial fertilizer or soil conditioner. Further, the burden
9 of proof of the desirable effect of the product on plant growth shall be
10 the responsibility of the registrant.

1 **SEC. 13. Reports and publications.** The secretary shall publish at
2 least annually, in such forms as he may deem proper, information con-
3 cerning the sales of commercial fertilizers, together with such data on
4 their production and use as he may consider advisable. The secretary
5 shall report semiannually the results of the analysis based on official
6 samples taken of commercial fertilizers sold within the state as com-
7 pared with the analyses guaranteed under section five (5) and section
8 six (6) together with name and address of the manufacturer or dis-
9 tributor of such commercial fertilizer at the time the official sample
10 was taken. A copy of this semiannual report will be mailed by the
11 secretary to each corresponding county extension director in the state.

1 **SEC. 14. Rules and regulations.**

2 1. The secretary is authorized, after public hearing, following due
3 notice, to adopt rules and regulations setting forth minimum general
4 safety standards for the design, construction, location, installation and
5 operation of equipment for storage, handling, transportation by tank
6 truck or tank trailer, and utilization of anhydrous ammonia. The rules
7 and regulations shall be such as are reasonably necessary for the pro-
8 tection and safety of the public and persons using anhydrous ammonia,
9 and shall be in substantial conformity with the generally accepted
10 standards of safety.

11 It is hereby declared that rules and regulations in substantial con-
12 formity with the published standards of the agricultural ammonia
13 institute for the design, installation and construction of containers
14 and pertinent equipment for the storage and handling of anhydrous
15 ammonia, shall be deemed to be in substantial conformity with the
16 generally accepted standards of safety.

17 All anhydrous ammonia equipment shall be installed and maintained
18 in a safe operating condition and in conformity with the rules and
19 regulations of the secretary of agriculture. No person, firm or cor-
20 poration, other than the owner and those authorized by the owner to
21 do so, shall sell, fill, refill, deliver or permit to be delivered, or use in
22 any manner any anhydrous ammonia container or receptacle for any
23 gas, compound for any other purpose whatsoever.

24 2. The secretary is hereby charged with the enforcement of this
25 Act, and after due publicity and due public hearing, is empowered to
26 promulgate and adopt such reasonable rules and regulations as may
27 be necessary in order to carry into effect the purpose and intent of
28 this Act or to secure the efficient administration thereof.

29 3. All rules and regulations authorized under sections one (1) and
30 two (2) shall be approved by the legislative committee on administra-
31 tive rules before becoming effective.

32 4. Nothing in this Act shall prohibit the use of storage tanks
33 smaller than transporting tanks nor the transfer of all kinds of fer-
34 tilizer including anhydrous ammonia directly from transporting tanks
35 to implements of husbandry, if proper safety precautions are observed.

1 **SEC. 15. Refusal to register, or cancellation of registration and**
2 **licenses.**

3 The secretary is authorized and empowered to cancel the registra-
4 tion of any product of commercial fertilizer or soil conditioner or license
5 or to refuse to register any product of commercial fertilizer or soil
6 conditioner or refuse to license any applicant as herein provided, upon
7 satisfactory evidence that the registrant or licensee has used fraudu-
8 lent or deceptive practices or who willfully violates any provisions of
9 this Act or any rules and regulations promulgated thereunder: Except
10 no registration or license shall be revoked or refused until the regis-
11 trant or licensee shall have been given the opportunity to appear for a
12 hearing by the secretary.

1 **SEC. 16. "Stop sale" orders.** The secretary may issue and enforce
2 a written or printed "stop sale, use or removal" order to the owner or
3 custodian of any lot of commercial fertilizer or soil conditioner, and
4 to hold at a designated place when the secretary finds said commercial
5 fertilizer or soil conditioner is being offered or exposed for sale in
6 violation of any of the provisions of this Act or any of the rules and
7 regulations promulgated hereunder until the law has been complied
8 with and said commercial fertilizer or soil conditioner is released in
9 writing by the secretary or said violation has been otherwise legally
10 disposed of by written authority, and all costs and expenses incurred
11 in connection with the withdrawal have been paid.

1 **SEC. 17. Seizure, condemnation, and sale.** Any lot of commercial
2 fertilizer or soil conditioner not in compliance with the provisions of
3 this Act shall be subject to seizure on complaint of the secretary to a
4 court of competent jurisdiction in the county or adjoining county in
5 which said commercial fertilizer or soil conditioner is located. In the
6 event the court finds the said commercial fertilizer or soil conditioner
7 to be in violation of this Act and orders the condemnation of said com-
8 mercial fertilizer or soil conditioner, it shall be disposed of in any
9 manner consistent with the quality of the commercial fertilizer or soil
10 conditioner and the laws of the state: Except in no instance shall the
11 disposition of said commercial fertilizer or soil conditioner be ordered
12 by the court without first giving the claimant an opportunity to apply
13 to the court for release of said commercial fertilizer or soil conditioner
14 or for permission to reprocess or relabel said commercial fertilizer or
15 soil conditioner to bring it into compliance with this Act.

1 **SEC. 18. Violations.**

2 1. If it shall appear from the examination of any commercial fer-
3 tilizer or soil conditioner or any anhydrous ammonia installation,
4 equipment, or operation that any of the provisions of this Act or the
5 rules and regulations issued thereunder have been violated, the secre-
6 tary shall cause notice of the violations to be given to the registrant,
7 distributor, or possessor from whom said sample was taken; any
8 person so notified shall be given opportunity to be heard under such
9 rules and regulations as may be prescribed by the secretary. If it
10 appears after such hearing, either in the presence or absence of the
11 person so notified, that any of the provisions of this Act or rules and
12 regulations issued thereunder have been violated, the secretary may
13 certify the facts to the proper prosecuting attorney.

14 2. Any person convicted of violating any provision of this Act or
 15 the rules and regulations issued thereunder shall be punished by a fine
 16 of not less than one hundred dollars nor more than two hundred and
 17 fifty dollars.

18 3. Nothing in this Act shall be construed as requiring the secretary
 19 or his representative to report for prosecution or for the institution
 20 of seizure proceedings minor violations of the Act when he believes
 21 that the public interest will be best served by a suitable notice of
 22 warning in writing.

23 4. It shall be the duty of each county attorney to whom any viola-
 24 tion is reported, to cause appropriate proceedings to be instituted and
 25 prosecuted in a court of competent jurisdiction without delay.

26 5. The secretary is hereby authorized to apply for and the court to
 27 grant a temporary or permanent injunction restraining any person
 28 from violating or continuing to violate any of the provisions of this
 29 Act or any rule or regulation promulgated under the Act notwith-
 30 standing the existence of other remedies at law, said injunction to be
 31 issued without bond.

1 **SEC. 19. Exchanges between manufacturers.** Nothing in this Act
 2 shall be construed to restrict or avoid sales or exchanges of commer-
 3 cial fertilizers or soil conditioners to each other by importers, manu-
 4 facturers, or manipulators who mix fertilizer materials for sale or as
 5 preventing the free and unrestricted shipments of commercial fer-
 6 tilizer or soil conditioner to manufacturers or manipulators who have
 7 registered their brands as required by the provisions of this Act.

Approved May 14, 1965.

CHAPTER 195 NARCOTIC DRUGS

S. F. 330

AN ACT relating to and defining narcotic drugs and to make uniform the law with reference thereto.

Be It Enacted by the General Assembly of the State of Iowa:

1 Chapter two hundred four (204), Code 1962, is hereby repealed and
 2 the following enacted in lieu thereof:

1 **SECTION 1.** The following words and phrases, as used in this Act,
 2 shall have the following meanings, unless the context otherwise re-
 3 quires:

4 1. "Person" means an individual, partnership, corporation, associa-
 5 tion, trust, or other institution or entity.

6 2. "Medical practitioner" means a physician, dentist, veterinary* or
 7 any other person authorized by law to treat sick and injured human
 8 beings or animals in this state and to use narcotic drugs in such treat-
 9 ment.

*According to enrolled Act.