

MAR 1 2005
Place On Calendar

HOUSE FILE 476
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 190)

Passed House, Date 3-14-05 Passed Senate, Date _____
Vote: Ayes 98 Nays 0 Vote: Ayes _____ Nays _____
Approved April 28, 2005

A BILL FOR

1 An Act regulating the sale of ammonium nitrate by fertilizer
2 dealers, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 476

1 Section 1. Section 200.3, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 12A. "Licensee" means a person licensed
4 under section 200.4.

5 Sec. 2. NEW SECTION. 200.17A AMMONIUM NITRATE SECURITY.

6 A licensee who sells ammonium nitrate on a retail basis
7 shall comply with all of the following:

8 1. The licensee shall store the ammonium nitrate in a
9 location which secures it from unauthorized access, and which
10 prevents and provides for the detection of its theft.

11 2. A licensee shall only sell ammonium nitrate to a
12 purchaser who presents a current official identification
13 issued by the federal government or a state government which
14 includes the purchaser's photograph and identifying
15 information including the person's legal name and home
16 address.

17 3. The licensee shall maintain a record of each sale of
18 ammonium nitrate as follows:

19 a. The record shall be on a form promulgated or approved
20 by the department. The form shall include at least all of the
21 following:

22 (1) The date of sale.

23 (2) The quantity of ammonium nitrate purchased.

24 (3) The information contained in the purchaser's official
25 identification as provided in this section. If the official
26 identification is a driver's license, the information shall
27 include the driver's license number. A photocopy of the
28 purchaser's current official identification on file with the
29 licensee shall comply with the requirements of this
30 subparagraph.

31 (4) The purchaser's telephone number.

32 (5) The purchaser's signature.

33 b. The licensee shall maintain the record for at least two
34 years after the date of the sale.

35 4. The department, a law enforcement officer as defined in

1 section 80B.3, or an agent of the United States department of
2 justice may examine and photocopy the record during regular
3 business hours.

4 Sec. 3. Section 200.18, subsection 2, Code 2005, is
5 amended to read as follows:

6 2. a. Except as otherwise provided in this subsection,
7 a person violating this chapter or rules adopted by the
8 secretary pursuant to this chapter shall-be is guilty of a
9 simple misdemeanor. However,-a

10 b. A person who tampers with, possesses, or transports
11 anhydrous ammonia or anhydrous ammonia equipment commits is
12 guilty of a serious misdemeanor under section 124.401F.

13 c. A person who intentionally presents false
14 identification or other information required in section
15 200.17A in order to purchase ammonium nitrate commits a
16 serious misdemeanor. A person who purchases ammonium nitrate
17 from a person required to be licensed under section 200.4 with
18 the intention of manufacturing an explosive or incendiary
19 device or material is guilty of a class "D" felony.

20 2A. A person who is licensed pursuant to section 200.4 who
21 fails to comply with the requirements of section 200.17A shall
22 be subject to disciplinary action by the department. For a
23 first violation, the department may suspend the person's
24 license for up to ninety days. For a subsequent violation,
25 the department may suspend the person's license for a longer
26 period or revoke the person's license.

27 EXPLANATION

28 This bill amends provisions in Code chapter 200, the "Iowa
29 fertilizer law". The bill regulates the storage and sale of
30 ammonium nitrate by fertilizer dealers who are licensed by the
31 department of agriculture and land stewardship. It requires
32 that the licensee store the ammonium nitrate in a secure
33 location. The bill also provides that the licensee can only
34 sell ammonium nitrate to a purchaser who presents an official
35 identification issued by the federal government or a state

1 government such as a driver's license. The licensee must
2 maintain a record of sales for at least two years. The
3 department or a state or federal law enforcement officer may
4 examine the records. A licensee who violates a provision of
5 the bill is subject to disciplinary action by the department.
6 The disciplinary action is suspension or revocation of the
7 license.

8 The bill provides that a person who intentionally presents
9 false identification or other required information in order to
10 purchase ammonium nitrate commits a serious misdemeanor. A
11 person who purchases ammonium nitrate from a person required
12 to be licensed as a dealer with the intention of manufacturing
13 an explosive or incendiary device or material is guilty of a
14 class "D" felony. A serious misdemeanor is punishable by
15 confinement for no more than one year and a fine of at least
16 \$250 but not more than \$1,500. A class "D" felony is
17 punishable by confinement for no more than five years and a
18 fine of at least \$750 but not more than \$7,500.

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HOUSE FILE 476

H-1050

1 Amend House File 476 as follows:
2 1. Page 1, by striking line 2, and inserting the
3 following: "the following new subsections:
4 NEW SUBSECTION. 0A. "Ammonium nitrate" means a
5 compound that is chiefly composed of ammonium salt of
6 nitric acid which contains not less than thirty-three
7 percent nitrogen, one-half of which is in the ammonium
8 form and one-half in the nitrate form."

By DAVITT of Warren

H-1050 FILED MARCH 7, 2005

HOUSE FILE 476
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 190)

(As Amended and Passed by the House March 14, 2005)

Passed House, Date _____ Passed Senate, Date 4-11-05
Vote: Ayes _____ Nays _____ Vote: Ayes 49 Nays 0
Approved _____

A BILL FOR

1 An Act regulating the sale of ammonium nitrate by fertilizer
2 dealers, and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 200.3, Code 2005, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 0A. "Ammonium nitrate" means a compound
4 that is chiefly composed of ammonium salt of nitric acid which
5 contains not less than thirty-three percent nitrogen, one-half
6 of which is in the ammonium form and one-half in the nitrate
7 form.

8 NEW SUBSECTION. 12A. "Licensee" means a person licensed
9 under section 200.4.

10 Sec. 2. NEW SECTION. 200.17A AMMONIUM NITRATE SECURITY.

11 A licensee who sells ammonium nitrate on a retail basis
12 shall comply with all of the following:

13 1. The licensee shall store the ammonium nitrate in a
14 location which secures it from unauthorized access, and which
15 prevents and provides for the detection of its theft.

16 2. A licensee shall only sell ammonium nitrate to a
17 purchaser who presents a current official identification
18 issued by the federal government or a state government which
19 includes the purchaser's photograph and identifying
20 information including the person's legal name and home
21 address.

22 3. The licensee shall maintain a record of each sale of
23 ammonium nitrate as follows:

24 a. The record shall be on a form promulgated or approved
25 by the department. The form shall include at least all of the
26 following:

27 (1) The date of sale.

28 (2) The quantity of ammonium nitrate purchased.

29 (3) The information contained in the purchaser's official
30 identification as provided in this section. If the official
31 identification is a driver's license, the information shall
32 include the driver's license number. A photocopy of the
33 purchaser's current official identification on file with the
34 licensee shall comply with the requirements of this
35 subparagraph.

1 (4) The purchaser's telephone number.

2 (5) The purchaser's signature.

3 b. The licensee shall maintain the record for at least two
4 years after the date of the sale.

5 4. The department, a law enforcement officer as defined in
6 section 80B.3, or an agent of the United States department of
7 justice may examine and photocopy the record during regular
8 business hours.

9 Sec. 3. Section 200.18, subsection 2, Code 2005, is
10 amended to read as follows:

11 2. a. A Except as otherwise provided in this subsection,
12 a person violating this chapter or rules adopted by the
13 secretary pursuant to this chapter shall-be is guilty of a
14 simple misdemeanor. However,-a

15 b. A person who tampers with, possesses, or transports
16 anhydrous ammonia or anhydrous ammonia equipment commits is
17 guilty of a serious misdemeanor under section 124.401F.

18 c. A person who intentionally presents false
19 identification or other information required in section
20 200.17A in order to purchase ammonium nitrate commits a
21 serious misdemeanor. A person who purchases ammonium nitrate
22 from a person required to be licensed under section 200.4 with
23 the intention of manufacturing an explosive or incendiary
24 device or material is guilty of a class "D" felony.

25 2A. A person who is licensed pursuant to section 200.4 who
26 fails to comply with the requirements of section 200.17A shall
27 be subject to disciplinary action by the department. For a
28 first violation, the department may suspend the person's
29 license for up to ninety days. For a subsequent violation,
30 the department may suspend the person's license for a longer
31 period or revoke the person's license.

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Rayhons, Chair
Talk
Davitt

HSB 190
Agriculture

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

§ 0476

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act restricting the sale of ammonium nitrate by fertilizer
2 dealers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 200.3, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 12A. "Licensee" means a person licensed
4 under section 200.4.

5 Sec. 2. NEW SECTION. 200.17A AMMONIUM NITRATE SECURITY.

6 A licensee who sells ammonium nitrate on a retail basis
7 shall comply with all of the following:

8 1. The licensee shall store the ammonium nitrate in a
9 location which secures it from unauthorized access, and which
10 prevents and provides for the detection of its theft.

11 2. A licensee shall only sell ammonium nitrate to a
12 purchaser who presents an official identification issued by
13 the federal government or a state government which includes
14 the purchaser's photograph and identifying information
15 including the person's legal name, home address, and telephone
16 number.

17 3. The licensee shall maintain a record of each sale of
18 ammonium nitrate as follows:

19 a. The record shall be on a form promulgated or approved
20 by the department. The form shall include at least all of the
21 following:

22 (1) The date of sale.

23 (2) The quantity of ammonium nitrate purchased.

24 (3) The information contained in the purchaser's official
25 identification as provided in this section. If the official
26 identification is a driver's license, the information shall
27 include the driver's license number. A photocopy of the
28 purchaser's current official identification on file with the
29 licensee shall comply with the requirements of this
30 subparagraph.

31 (4) The purchaser's signature.

32 b. The licensee shall maintain the record for at least two
33 years after the date of the sale.

34 4. The department, a law enforcement officer as defined in
35 section 165B.1, or an agent of the United States department of

1 justice may examine and photocopy the record during regular
2 business hours.

3 Sec. 3. Section 200.18, subsection 2, Code 2005, is
4 amended to read as follows:

5 2. a. A Except as otherwise provided in this subsection,
6 a person violating this chapter or rules adopted by the
7 secretary pursuant to this chapter shall-be is guilty of a
8 simple misdemeanor. However,-a

9 b. A person who tampers with, possesses, or transports
10 anhydrous ammonia or anhydrous ammonia equipment commits is
11 guilty of a serious misdemeanor under section 124.401F.

12 c. A person who is licensed pursuant to section 200.4 who
13 fails to comply with the requirements of section 200.17A shall
14 be subject to disciplinary action by the department. For a
15 first violation, the department may suspend the person's
16 license for up to ninety days. For a subsequent violation,
17 the department may suspend the person's license for a longer
18 period or revoke the person's license.

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EXPLANATION

20 This bill amends provisions in Code chapter 200, the "Iowa
21 fertilizer law". The bill regulates the storage and sale of
22 ammonium nitrate by fertilizer dealers who are licensed by the
23 department of agriculture and land stewardship. It requires
24 that the licensee store the ammonium nitrate in a secure
25 location. The bill also provides that the licensee can only
26 sell ammonium nitrate to a purchaser who presents an official
27 identification issued by the federal government or a state
28 government such as a driver's license. The licensee must
29 maintain a record of sales for at least two years. The
30 department or a state or federal law enforcement officer may
31 examine the records. A licensee who violates a provision of
32 the bill is subject to disciplinary action by the department.
33 The disciplinary action is suspension or revocation of the
34 license.

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HOUSE FILE 476

AN ACT

REGULATING THE SALE OF AMMONIUM NITRATE BY FERTILIZER DEALERS,
AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 200.3, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. "Ammonium nitrate" means a compound that is chiefly composed of ammonium salt of nitric acid which contains not less than thirty-three percent nitrogen, one-half of which is in the ammonium form and one-half in the nitrate form.

NEW SUBSECTION. 12A. "Licensee" means a person licensed under section 200.4.

Sec. 2. NEW SECTION. 200.17A AMMONIUM NITRATE SECURITY.

A licensee who sells ammonium nitrate on a retail basis shall comply with all of the following:

1. The licensee shall store the ammonium nitrate in a location which secures it from unauthorized access, and which prevents and provides for the detection of its theft.

2. A licensee shall only sell ammonium nitrate to a purchaser who presents a current official identification issued by the federal government or a state government which includes the purchaser's photograph and identifying information including the person's legal name and home address.

3. The licensee shall maintain a record of each sale of ammonium nitrate as follows:

a. The record shall be on a form promulgated or approved by the department. The form shall include at least all of the following:

(1) The date of sale.
(2) The quantity of ammonium nitrate purchased.
(3) The information contained in the purchaser's official identification as provided in this section. If the official identification is a driver's license, the information shall include the driver's license number. A photocopy of the purchaser's current official identification on file with the licensee shall comply with the requirements of this subparagraph.

(4) The purchaser's telephone number.

(5) The purchaser's signature.

b. The licensee shall maintain the record for at least two years after the date of the sale.

4. The department, a law enforcement officer as defined in section 809.3, or an agent of the United States department of justice may examine and photocopy the record during regular business hours.

Sec. 3. Section 200.18, subsection 2, Code 2005, is amended to read as follows:

2. a. Except as otherwise provided in this subsection, a person violating this chapter or rules adopted by the secretary pursuant to this chapter shall be is guilty of a simple misdemeanor. However--a

b. A person who tampers with, possesses, or transports anhydrous ammonia or anhydrous ammonia equipment commits is guilty of a serious misdemeanor under section 124.401P.

c. A person who intentionally presents false identification or other information required in section 200.17A in order to purchase ammonium nitrate commits a serious misdemeanor. A person who purchases ammonium nitrate from a person required to be licensed under section 200.4 with the intention of manufacturing an explosive or incendiary device or material is guilty of a class "D" felony.

2A. A person who is licensed pursuant to section 200.4 who fails to comply with the requirements of section 200.17A shall

be subject to disciplinary action by the department. For a first violation, the department may suspend the person's license for up to ninety days. For a subsequent violation, the department may suspend the person's license for a longer period or revoke the person's license.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 476, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 28, 2005

THOMAS J. VILSACK
Governor