

# House Study Bill 190

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

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:  
4 TLSB 2578HC 81  
5 da/sh/8

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1 1 Section 1. Section 200.3, Code 2005, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 12A. "Licensee" means a person licensed  
1 4 under section 200.4.  
1 5 Sec. 2. NEW SECTION. 200.17A AMMONIUM NITRATE SECURITY.  
1 6 A licensee who sells ammonium nitrate on a retail basis  
1 7 shall comply with all of the following:  
1 8 1. The licensee shall store the ammonium nitrate in a  
1 9 location which secures it from unauthorized access, and which  
1 10 prevents and provides for the detection of its theft.  
1 11 2. A licensee shall only sell ammonium nitrate to a  
1 12 purchaser who presents an official identification issued by  
1 13 the federal government or a state government which includes  
1 14 the purchaser's photograph and identifying information  
1 15 including the person's legal name, home address, and telephone  
1 16 number.  
1 17 3. The licensee shall maintain a record of each sale of  
1 18 ammonium nitrate as follows:  
1 19 a. The record shall be on a form promulgated or approved  
1 20 by the department. The form shall include at least all of the  
1 21 following:  
1 22 (1) The date of sale.  
1 23 (2) The quantity of ammonium nitrate purchased.  
1 24 (3) The information contained in the purchaser's official  
1 25 identification as provided in this section. If the official  
1 26 identification is a driver's license, the information shall  
1 27 include the driver's license number. A photocopy of the  
1 28 purchaser's current official identification on file with the  
1 29 licensee shall comply with the requirements of this  
1 30 subparagraph.  
1 31 (4) The purchaser's signature.  
1 32 b. The licensee shall maintain the record for at least two  
1 33 years after the date of the sale.  
1 34 4. The department, a law enforcement officer as defined in  
1 35 section 165B.1, or an agent of the United States department of  
2 1 justice may examine and photocopy the record during regular  
2 2 business hours.  
2 3 Sec. 3. Section 200.18, subsection 2, Code 2005, is  
2 4 amended to read as follows:  
2 5 2. a. ~~Except as otherwise provided in this subsection,~~  
2 6 a person violating this chapter or rules adopted by the  
2 7 secretary pursuant to this chapter ~~shall be is~~ guilty of a  
2 8 simple misdemeanor. ~~However, a~~  
2 9 b. A person who tampers with, possesses, or transports  
2 10 anhydrous ammonia or anhydrous ammonia equipment ~~commits is~~  
2 11 guilty of a serious misdemeanor under section 124.401F.  
2 12 c. A person who is licensed pursuant to section 200.4 who  
2 13 fails to comply with the requirements of section 200.17A shall  
2 14 be subject to disciplinary action by the department. For a  
2 15 first violation, the department may suspend the person's  
2 16 license for up to ninety days. For a subsequent violation,  
2 17 the department may suspend the person's license for a longer  
2 18 period or revoke the person's license.

EXPLANATION

2 19  
2 20 This bill amends provisions in Code chapter 200, the "Iowa  
2 21 fertilizer law". The bill regulates the storage and sale of  
2 22 ammonium nitrate by fertilizer dealers who are licensed by the  
2 23 department of agriculture and land stewardship. It requires  
2 24 that the licensee store the ammonium nitrate in a secure  
2 25 location. The bill also provides that the licensee can only  
2 26 sell ammonium nitrate to a purchaser who presents an official  
2 27 identification issued by the federal government or a state  
2 28 government such as a driver's license. The licensee must  
2 29 maintain a record of sales for at least two years. The  
2 30 department or a state or federal law enforcement officer may  
2 31 examine the records. A licensee who violates a provision of  
2 32 the bill is subject to disciplinary action by the department.  
2 33 The disciplinary action is suspension or revocation of the  
2 34 license.  
2 35 LSB 2578HC 81  
3 1 da:nh/sh/8