

CHAPTER 17

(SB 91)

AN ACT relating to fertilizer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 217B.270 is amended to read as follows:

- (1) The Commonwealth of Kentucky hereby determines that the citizens of the state benefit from a system of safe, effective, and scientifically sound **fertilizer and** pesticide regulation on agricultural and silvicultural land. The Commonwealth further finds that a system of **fertilizer and** pesticide regulation which is consistent, coordinated, and comports with both federal and state technical expertise is essential to the public health, safety, and welfare, and that local regulation of **fertilizer and** pesticides does not materially assist in achieving these benefits.
- (2) No city, town, county, or other political subdivision of the Commonwealth shall adopt or continue in effect any ordinance, resolution, rule, or regulation regarding agriculture and silviculture **fertilizer regulated pursuant to KRS 250.371 and** pesticide sale or use, including without limitation: registration, notification of use, advertising and marketing distribution, applicator training and certification, storage, transportation, disposal, disclosure of confidential information, or product composition.
- (3) Nothing in this section shall be construed to:
 - (a) Abrogate any authority afforded by the state statutes to any program cabinet established under KRS Chapter 12 or any state or federal mandated hazardous materials regulations or fire safety codes and comprehensive hazardous materials management program;
 - (b) **Abrogate the planning and zoning authority granted local government pursuant to KRS Chapter 100; or**
 - (c) **Waive any reporting requirement established by state or federal law or regulation.**

SECTION 2. A NEW SECTION OF KRS 250.361 TO 250.451 IS CREATED TO READ AS FOLLOWS:

- (1) **No city, town, county, or other political subdivision of the Commonwealth shall adopt or continue in effect any ordinance, resolution, rule, or regulation regarding the registration, packaging, labeling, sale, storage, distribution, use, and application of fertilizers regulated pursuant to KRS 250.371. Local legislation in violation of this section is void and unenforceable.**
- (2) **Nothing in this section shall be construed to:**
 - (a) **Abrogate any authority afforded by the state statutes to any program cabinet established under KRS Chapter 12 or any state or federal mandated hazardous materials regulations or fire safety codes and comprehensive hazardous materials management program;**
 - (b) **Abrogate the planning and zoning authority granted local government pursuant to KRS Chapter 100; or**
 - (c) **Waive any reporting requirement established by state or federal law or regulation.**

Approved March 19, 2007.