

**ENROLLED BILL**

-- *Environmental Matters/Education, Health,  
and Environmental Affairs* --

Introduced by **Delegates Moe, Bozman, Cardin, Conway, Costa, DeBoy,  
Donoghue, Feldman, Frush, Gaines, Griffith, Hammen, Hubbard, Kach,  
Kelly, Leopold, Madaleno, Malone, McConkey, McHale, Menes,  
Morhaim, Pendergrass, Petzold, Sophocleus, Trueschler, Vaughn, Weir,  
and Zirkin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Commercial Fertilizer - Ammonium Nitrate - ~~Identification for Sale or~~**  
3 **Distribution Information**

4 FOR the purpose of requiring a distributor of ammonium nitrate to maintain, ~~for a~~  
5 ~~certain period of time,~~ a record of certain ~~information of~~ sale or distribution  
6 ~~information;~~ ~~authorizing a distributor to refuse to sell or distribute ammonium~~  
7 ~~nitrate in under certain circumstances;~~ requiring a distributor to ~~report~~ make  
8 available certain information to the Secretary of Agriculture ~~at certain times~~  
9 upon a certain request; ~~prohibiting the Secretary from registering certain~~  
10 ~~distributors~~ requiring the Secretary of Agriculture to maintain certain records  
11 in a certain manner except under certain circumstances; requiring the  
12 Secretary, in consultation with the Office of Homeland Security, to adopt certain

1 regulations; and generally relating to the sale or distribution of ammonium  
2 nitrate.

3 BY adding to  
4 Article - Agriculture  
5 Section 6-209.1  
6 Annotated Code of Maryland  
7 (1999 Replacement Volume and 2004 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Agriculture**

11 6-209.1.

12 (A) A DISTRIBUTOR SHALL MAINTAIN, FOR AT LEAST 2 YEARS, A RECORD OF  
13 ALL SALES OR DISTRIBUTIONS OF AMMONIUM NITRATE FERTILIZER INCLUDING:

- 14 (1) THE DATE OF SALE OR DELIVERY OF THE FERTILIZER;
- 15 (2) THE NAME, ADDRESS, AND COPY OF THE DRIVER'S LICENSE OR  
16 PICTURE IDENTIFICATION CARD OF THE BUYER OR RECIPIENT;
- 17 (3) ~~THE AMOUNT~~ QUANTITY OF THE FERTILIZER SOLD OR DELIVERED;  
18 AND
- 19 (4) ANY OTHER INFORMATION REQUIRED BY THE SECRETARY.

20 ~~(B) A DISTRIBUTOR MAY REFUSE TO SELL OR DISTRIBUTE AMMONIUM  
21 NITRATE FERTILIZER TO A BUYER OR RECIPIENT WHO ATTEMPTS TO PURCHASE  
22 ACQUIRE AMMONIUM NITRATE OUT OF SEASON, IN UNUSUAL QUANTITIES, OR  
23 UNDER SUSPECT PURCHASE ACQUISITION PATTERNS.~~

24 ~~(C) EACH PERSON WHO REGISTERS AMMONIUM NITRATE IN ACCORDANCE  
25 WITH § 6-207 OF THIS SUBTITLE SHALL FURNISH THE SECRETARY WITH A  
26 SEMIANNUAL STATEMENT OF THE INFORMATION REQUIRED UNDER SUBSECTION (A)  
27 OF THIS SECTION.~~

28 ~~(C)~~ (B) RECORDS MAINTAINED PURSUANT TO SUBSECTION (A) OF THIS  
29 SECTION SHALL BE MADE AVAILABLE TO THE SECRETARY UPON REQUEST.

30 ~~(D) THE SECRETARY MAY NOT REGISTER A DISTRIBUTOR WHO FAILS TO  
31 COMPLY WITH THE REPORTING REQUIREMENTS IN ACCORDANCE WITH SUBSECTION  
32 (C) OF THIS SECTION.~~

33 ~~(D)~~ (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
34 THE SECRETARY SHALL MAINTAIN ALL RECORDS OR REPORTS REQUESTED UNDER

1 SUBSECTION ~~(C)~~ (B) OF THIS SECTION IN A MANNER THAT PROTECTS THE IDENTITY  
2 AND LOCATION OF THE DISTRIBUTOR AND BUYER OR RECIPIENT.

3 (2) IF THE SECRETARY DETERMINES THAT THE DISCLOSURE IS  
4 NECESSARY TO PROTECT THE PUBLIC, THE SECRETARY MAY DISCLOSE THE  
5 IDENTITY AND LOCATION OF THE DISTRIBUTOR AND BUYER OR RECIPIENT TO A  
6 FEDERAL, STATE, OR LOCAL GOVERNMENT OR UNIT OF GOVERNMENT THAT  
7 REQUESTS THE INFORMATION IN THE COURSE OF PERFORMING ITS DUTIES  
8 RELATED TO PUBLIC SAFETY.

9 ~~(E)~~ (D) IN CONSULTATION WITH THE OFFICE OF HOMELAND SECURITY, THE  
10 SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS  
11 SECTION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2005.