

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**

Introduced and read first time: January 31, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring a distributor of ammonium nitrate to maintain a record
5 of certain information of sale or distribution; authorizing a distributor to refuse
6 to sell ammonium nitrate in certain circumstances; requiring a distributor to
7 report certain information to the Secretary of Agriculture at certain times;
8 prohibiting the Secretary from registering certain distributors; requiring the
9 Secretary, in consultation with the Office of Homeland Security, to adopt certain
10 regulations; and generally relating to the sale or distribution of ammonium
11 nitrate.

12 BY adding to
13 Article - Agriculture
14 Section 6-209.1
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2004 Supplement)

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

19 **Article - Agriculture**

20 6-209.1.

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

23 (1) THE DATE OF SALE OR DELIVERY OF THE FERTILIZER;

24 (2) THE NAME, ADDRESS, AND COPY OF THE DRIVER'S LICENSE OR
25 PICTURE IDENTIFICATION CARD OF THE BUYER OR RECIPIENT;

1 (3) THE AMOUNT OF THE FERTILIZER; AND

2 (4) ANY OTHER INFORMATION REQUIRED BY THE SECRETARY.

3 (B) A DISTRIBUTOR MAY REFUSE TO SELL AMMONIUM NITRATE FERTILIZER
4 TO A BUYER WHO ATTEMPTS TO PURCHASE AMMONIUM NITRATE OUT OF SEASON, IN
5 UNUSUAL QUANTITIES, OR UNDER SUSPECT PURCHASE PATTERNS.

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

10 (D) THE SECRETARY MAY NOT REGISTER A DISTRIBUTOR WHO FAILS TO
11 COMPLY WITH THE REPORTING REQUIREMENTS IN ACCORDANCE WITH SUBSECTION
12 (C) OF THIS SECTION.

13 (E) IN CONSULTATION WITH THE OFFICE OF HOMELAND SECURITY, THE
14 SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
15 SECTION.

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