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Introduced and read first time: January 31, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2005

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
13 regulations; and generally relating to the sale or distribution of ammonium
14 nitrate.

15 BY adding to
16 Article - Agriculture
17 Section 6-209.1
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2004 Supplement)

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

1

Article - Agriculture

2 6-209.1.

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

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

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

8 (3) THE ~~AMOUNT~~ QUANTITY OF ~~THE~~ FERTILIZER SOLD OR DELIVERED;
9 AND

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

11 (B) A DISTRIBUTOR MAY REFUSE TO SELL OR DISTRIBUTE AMMONIUM
12 NITRATE FERTILIZER TO A BUYER OR RECIPIENT WHO ATTEMPTS TO PURCHASE
13 ACQUIRE AMMONIUM NITRATE ~~OUT OF SEASON~~, IN UNUSUAL QUANTITIES; OR
14 UNDER SUSPECT ~~PURCHASE~~ ACQUISITION PATTERNS.

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

19 (C) RECORDS MAINTAINED PURSUANT TO SUBSECTION (A) OF THIS SECTION
20 SHALL BE MADE AVAILABLE TO THE SECRETARY UPON REQUEST.

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

24 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
25 SECRETARY SHALL MAINTAIN ALL RECORDS OR REPORTS REQUESTED UNDER
26 SUBSECTION (C) OF THIS SECTION IN A MANNER THAT PROTECTS THE IDENTITY AND
27 LOCATION OF THE DISTRIBUTOR AND BUYER OR RECIPIENT.

28 (2) IF THE SECRETARY DETERMINES THAT THE DISCLOSURE IS
29 NECESSARY TO PROTECT THE PUBLIC, THE SECRETARY MAY DISCLOSE THE
30 IDENTITY AND LOCATION OF THE DISTRIBUTOR AND BUYER OR RECIPIENT TO A
31 FEDERAL, STATE, OR LOCAL GOVERNMENT OR UNIT OF GOVERNMENT THAT
32 REQUESTS THE INFORMATION IN THE COURSE OF PERFORMING ITS DUTIES
33 RELATED TO PUBLIC SAFETY.

34 (E) IN CONSULTATION WITH THE OFFICE OF HOMELAND SECURITY, THE
35 SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
36 SECTION.

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