

House Bill 1223 (AS PASSED HOUSE AND SENATE)

By: Representatives Leverett of the 123rd, Petrea of the 166th, Prince of the 132nd, Jackson of the 128th, and Adesanya of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 12 of Title 2 of the Official Code of Georgia Annotated, the
2 'Georgia Soil Amendment Act of 1976,' so as to provide for a new prohibited act; to provide
3 for a definition; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 3 of Chapter 12 of Title 2 of the Official Code of Georgia Annotated, the 'Georgia
8 Soil Amendment Act of 1976,' is amended by revising Code Section 2-12-71, relating to
9 definitions, by adding a new paragraph to read as follows:

10 "(1.1) 'Apply' means to put, place, lay, spread, or deposit a soil amendment on the land,
11 whether topically, with or without subsequent incorporation into the soil, by subsurface
12 injection, or otherwise."

13 style="text-align:center">**SECTION 2.**

14 Said article is further amended by revising Code Section 2-12-79, relating to prohibited acts,
15 as follows:

16 "2-12-79.

17 It shall be a violation of this article for any person to:

18 (1) Distribute an unregistered soil amendment;

19 (2) Distribute an unlabeled soil amendment;

20 (3) Distribute a misbranded soil amendment;

21 (4) Distribute an adulterated soil amendment;

22 (5) Fail to comply with a stop sale, use, or removal order; ~~or~~

23 (6) Fail to submit semiannual reports; or

24 (7)(A) Apply or distribute a soil amendment on a site, or on a separate site that has
25 close geographic proximity to and is operationally connected with the underlying site,
26 when:

27 (i) The owner of such site or the person who has applied or distributed a soil
28 amendment on such site is subject to a consent order, enforcement action, or ongoing
29 investigation by the department or the Environmental Protection Division of the
30 Department of Natural Resources, including, but not limited to, actions regarding the
31 contamination of surface water, ground water, or soil contamination, and such consent
32 order, enforcement action or ongoing investigation has not been withdrawn or
33 resolved to the satisfaction of the issuing agency with respect to such site;

34 (ii) A notice of violation has been issued by the Environmental Protection Division
35 of the Department of Natural Resources or the department; and

36 (iii) The department has notified the owner of such site and the person who has
37 applied or distributed a soil amendment on such site that application of soil
38 amendments on such site must cease.

39 (B) For purposes of this paragraph only, the term 'site' means the site identified in the
40 nutrient management plan submitted to the department or a portion thereof."

41

SECTION 3.

42 All laws and parts of laws in conflict with this Act are repealed.