

GEORGIA SOIL AMENDMENT ACT OF 1976



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2-12-70. Short title.

This article shall be known as the "Georgia Soil Amendment Act of 1976."

2-12-71. Definitions.

As used in this article, the term:

(1) "Adulterated" means any soil amendment:

- (A) Which contains any deleterious or harmful agent in sufficient quantity to be injurious to beneficial plants, animals, or aquatic life when applied in accordance with the directions for use shown on the label;
- (B) Whose composition differs substantially from that offered in support of registration or shown on the label; or
- (C) Which contains noxious weed seed.

(2) "Bulk" means in nonpackaged form.

(3) "Distribute" means to import, consign, offer for sale, sell, barter or otherwise supply soil amendments to any person in this state.

(4) "Distributor" means any person who imports, consigns, sells, offers for sale, barter, or otherwise supplies soil amendments in this state.

(5) "Label" means the display of written, printed, or graphic matter upon the immediate container of the soil amendment.

(6) "Labeling" means all written, printed, or graphic matter accompanying any soil amendment and all advertisements, brochures, posters, and television, radio, and oral claims used in promoting its sale.

(7) "Percent" or "percentage" means the parts per 100 by weight.

(8) "Person" means an individual, partnership, association, corporation, or other organized body.

(9) "Product name" means the designation under which a soil amendment is offered for distribution.

(10) "Registrant" means any person who registers a soil amendment under this article.

(11) "Soil amendment" means any substance intended for changing the characteristics of soil or other growth medium for the purposes of:

- (A) Increasing penetrability of water or air;
- (B) Increasing water-holding capacity;
- (C) Alleviating or decreasing soil compaction; or
- (D) Otherwise altering the soil or other medium in such manner that the physical properties are materially enhanced.

The term "soil amendment" does not include any substance for which nutritional claims are made, such as, but not limited to, commercial fertilizers, liming materials, or unmanipulated vegetable or animal manures.

2-12-72. Administration of article.

This article shall be administered by the Commissioner of Agriculture.

2-12-73. Registration requirements generally; fees; renewals; proof of claims.

(a) Every soil amendment distributed in this state shall be registered with the Commissioner on forms obtained from the Commissioner's office. The applicant for registration shall provide such information as the Commissioner may require by regulation after opportunity for public hearing.

(b) In determining the acceptability of any product for registration, the Commissioner may require proof of claims made for the soil amendment. If no specific claims are made, the Commissioner may require proof of the usefulness and value of the soil amendment. As evidence of proof, the Commissioner may rely on experimental data furnished by the applicant and may require that such data be developed from tests conducted under conditions identical to or closely related to those conditions present in this state. The Commissioner may reject any data not developed under such conditions and may rely on the advice of the University of Georgia College of Agricultural and Environmental Sciences experiment station personnel or other university personnel in evaluating data for registration.

(c) The registration fee shall be \$55.00 per year for each product. Registration shall expire on December 31, annually, unless an application for renewal has been received prior to the expiration date.

2-12-74. Refusal or revocation of registration.

The Commissioner shall refuse to register any soil amendment which fails to comply with this article. He may revoke any registration, after opportunity for hearing, upon satisfactory evidence that the registrant or any of his designated agents has used fraudulent or deceptive practices in the distribution of any soil amendment.

2-12-75. Semiannual tonnage report.

Each registrant shall keep accurate records of his sales and shall file semiannual reports covering the periods January 1 through June 30 and July 1 through December 31. Such reports shall be due within 30 days from the date of the close of each such period. If the report is not filed within the 30 day period or is false in any respect, the Commissioner may revoke the registration.

2-12-76. Labeling requirements.

Every soil amendment container shall be labeled on the face or display side in a readable and conspicuous form showing:

- (1) The product name;
- (2) A statement of claim or purpose, if any are made;
- (3) Adequate directions for use;
- (4) The net weight or volume; and
- (5) The name and address of the registrant.

2-12-77. Misbranded products.

A soil amendment shall be considered misbranded if:

- (1) Its label or labeling is false or misleading in any particular;
- (2) It is distributed under the name of another soil amendment; or
- (3) It is represented as a soil amendment or is represented to contain a soil amendment unless such soil amendment conforms to the definition, if any, prescribed by the Commissioner by regulation.

2-12-78. Inspection and sampling by Commissioner.

The Commissioner or his designated agents are authorized to enter upon any public or private property during regular working hours for the purpose of inspecting or sampling any soil amendment to determine if such amendment is being distributed in compliance with this article. In the examination of such samples, the Commissioner may rely on such tests as he may establish by regulation as necessary for the enforcement of this article.

2-12-79. Violations.

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

- (1) Distribute an unregistered soil amendment;
- (2) Distribute an unlabeled soil amendment;
- (3) Distribute a misbranded soil amendment;
- (4) Distribute an adulterated soil amendment;
- (5) Fail to comply with a stop sale, use, or removal order; or
- (6) Fail to submit semiannual reports.

2-12-80. Rules and Regulations.

The Commissioner is authorized to promulgate and adopt such rules and regulations as may be necessary to enforce this article. Such regulations may relate to, but shall not be limited to, methods of inspection and examination, designation of ingredients, and identity of products.

2-12-81. Stop sale, stop use or removal order.

The Commissioner may issue and enforce a written or printed stop sale, use, or removal order to the owner or custodian of any lot of soil amendment, ordering him to hold at a designated place any such lot of soil amendment which the Commissioner determines does not comply with this article. When such soil amendment has been made to comply with this article, it shall be released in writing by the Commissioner.

2-12-82. Notice and prosecution of violation; hearing.

The Commissioner may bring an action to enjoin the violation or threatened violation of this article or the regulations adopted under this article in the superior court of the appropriate county.

2-12-83. Notice and prosecution of violation; penalty.

Any person violating any of the provisions of this article or the regulations adopted under this article shall be guilty of a misdemeanor.