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HOUSE BILL No. 1361

Proposed Changes to January 22, 2026 printing by AM136104

DIGEST OF PROPOSED AMENDMENT

Fertilizer. Amends definition of staging. Makes a technical correction.

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-11-2-79.5, AS ADDED BY P.L.189-2011,
- 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]: Sec. 79.5. "Fertilizer material", for purposes of
- 4 IC 13-18-4-5, has the meaning set forth in ~~IC 15-16-2-11.~~
- 5 IC 15-16-1.5-28.
- 6 SECTION 2. IC 15-16-1.5 IS ADDED TO THE INDIANA CODE
- 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2026]:
- 9 **Chapter 1.5. Fertilizer Definitions**
- 10 **Sec. 1. The definitions in this chapter apply to this chapter,**
- 11 **IC 15-16-2, IC 15-16-2.5, IC 15-16-2.7, IC 15-16-3, IC 15-16-3.3,**
- 12 **and IC 15-16-3.5.**
- 13 **Sec. 2. "Agricultural crop" means any plant or part of a plant,**
- 14 **produced primarily for sale, consumption, propagation, or other**
- 15 **use by humans or animals. The term does not include turf, trees, or**
- 16 **ornamental plants.**
- 17 **Sec. 3. "Agronomic rate" means a rate of application of**
- 18 **fertilizer material to the land based on the following:**
- 19 **(1) The nutrient content of the fertilizer material to be**
- 20 **applied.**

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HB 1361—LS 7006/DI 150



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- 1 (2) The fertility level of the soil.
- 2 (3) The nutrient needs of the current or planned crops.
- 3 (4) The nutrient holding capacity of the soil.
- 4 (5) Additional sources of nutrients, including legume credits,
- 5 process wastewater, or biosolids.
- 6 (6) Reasonable nitrogen losses.
- 7 (7) Reasonable phosphorus levels.

8 **Sec. 4. "Ammonium nitrate" means the ammonium salt of**
 9 **nitric acid, which must contain not less than thirty-three percent**
 10 **(33%) nitrogen, fifty percent (50%) of which is in the ammonium**
 11 **form and fifty percent (50%) of which is in the nitrate form.**

12 **Sec. 4.5. "Animal feeding operation" or "AFO" means a lot or**
 13 **facility, other than an aquatic animal production facility, where all**
 14 **of the following conditions are met:**

- 15 (1) Animals, other than aquatic animals, have been, are, or
- 16 will be stabled or confined and fed or maintained for a total
- 17 of forty-five (45) days or more in any twelve (12) month
- 18 period.
- 19 (2) Crops, vegetation, forage growth, or post-harvest
- 20 residues are not sustained in the normal growing season over
- 21 at least fifty percent (50%) of the lot or facility.

22 **Sec. 5. "Appurtenance" means any:**

- 23 (1) valve;
- 24 (2) pump;
- 25 (3) fitting;
- 26 (4) pipe;
- 27 (5) hose;
- 28 (6) metering device; or
- 29 (7) mechanical device;

30 that is connected to a storage container or is used to transfer a

31 material into or out of the storage container.

32 **Sec. 6. "Aqua ammonia" means an aqueous solution of**
 33 **anhydrous ammonia generally containing from eighteen percent**
 34 **(18%) to thirty percent (30%) of ammonia (NH3) by weight and**
 35 **having a vapor pressure usually varying from zero (0) to ten (10)**
 36 **pounds per square inch gauge (psig) at one hundred four (104)**
 37 **degrees Fahrenheit.**

38 **Sec. 7. (a) "Biosolid" means solid, semisolid, or liquid residue**
 39 **generated during the treatment of domestic sewage (as defined in**
 40 **327 IAC 6.1-2-16) in a treatment works (as defined in 327**
 41 **IAC 6.1-2-57) including the following:**

- 42 (1) Scum or solids removed in primary, secondary, or

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1 advanced wastewater treatment processes.
 2 (2) A material derived from biosolid.
 3 (3) An industrial waste product that contains domestic
 4 sewage or material under subdivision (1) or (2).
 5 (b) The term does not include:
 6 (1) ash generated during the firing of a biosolid in a biosolid
 7 incinerator; or
 8 (2) grit and screenings generated during preliminary
 9 treatment of domestic sewage in a treatment works.
 10 Sec. 8. "Blender" means a person or system engaged in the
 11 business of blending commercial fertilizer.
 12 Sec. 9. "Blending" means the physical mixing or combining:
 13 (1) of one (1) or more commercial fertilizers and one (1) or
 14 more filler materials;
 15 (2) of two (2) or more commercial fertilizers; or
 16 (3) of two (2) or more commercial fertilizers and filler
 17 materials;
 18 including mixing through the simultaneous or sequential
 19 application of any of the combinations referred to in subdivision
 20 (1), (2), or (3) to produce a uniform mixture.
 21 Sec. 10. "Board" refers to the Indiana fertilizer advisory
 22 board established by IC 15-16-2-25.
 23 Sec. 11. "Brand" means a term, design, or trademark used in
 24 connection with at least one (1) grade of commercial fertilizer or
 25 manure based fertilizer.
 26 Sec. 12. "Bulk fertilizer" means a commercial fertilizer
 27 distributed in nonpackaged form.
 28 Sec. 13. "Certified applicator" means an individual who has
 29 been issued a certificate or licensing credential under IC 15-16-2.5
 30 or IC 15-16-3 to use fertilizer material. The term includes
 31 commercial applicators and private applicators.
 32 Sec. 14. "Commercial applicator license" means the licensing
 33 credential issued annually to a certified applicator who:
 34 (1) uses; or
 35 (2) supervises the use of;
 36 fertilizer material for purposes of producing an agricultural crop
 37 on the property of another person for hire.
 38 Sec. 15. "Commercial fertilizer" means mixed fertilizer or
 39 fertilizer materials. The term does not include nonprocessed
 40 manure, marl, lime, wood ashes, biosolids, industrial waste
 41 products, pollutant-bearing water, or plaster.
 42 Sec. 16. "Confined feeding operation" and "CFO" mean any

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- 1 of the following:
- 2 (1) Any operation that confine feeds at least:
- 3 (A) three hundred (300) cattle;
- 4 (B) six hundred (600) swine or sheep;
- 5 (C) thirty thousand (30,000) fowl; or
- 6 (D) five hundred (500) horses.
- 7 (2) An animal feeding operation electing to be subject to
- 8 IC 13-18-10.
- 9 (3) An animal feeding operation that causes a violation of:
- 10 (A) water pollution control laws;
- 11 (B) any rules of the water pollution control board; or
- 12 (C) IC 13-18-10.
- 13 (4) An animal feeding operation located outside of Indiana
- 14 that would be a confined feeding operation if located in
- 15 Indiana.
- 16 Sec. 17. "Continuing certification hour" and "CCH" mean one
- 17 (1) hour of fertilizer material related instruction or training for a
- 18 certified applicator that has been evaluated and approved by the
- 19 state chemist.
- 20 Sec. 18. "Custom blend" means a commercial fertilizer
- 21 blended:
- 22 (1) according to specifications provided to a blender in a soil
- 23 test nutrient recommendation; or
- 24 (2) to meet specific requests of a consumer, who is the end
- 25 user, before blending.
- 26 Sec. 19. "Discharge" means a release of fluid or dry bulk
- 27 fertilizer into either a secondary containment or operational
- 28 containment area at a storage facility.
- 29 Sec. 20. "Distribute" means to:
- 30 (1) offer for sale;
- 31 (2) sell;
- 32 (3) exchange;
- 33 (4) barter;
- 34 (5) supply; or
- 35 (6) offer to supply;
- 36 fertilizer material.
- 37 Sec. 21. "Distributor" means a person that:
- 38 (1) offers for sale;
- 39 (2) sells;
- 40 (3) barter; or
- 41 (4) supplies;
- 42 commercial fertilizers or manure based fertilizers.

HB 1361—LS 7006/DI 150



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1 **Sec. 22. "Drainage inlet"** means any surficial opening to an
 2 underground agricultural tile drainage system that drains surface
 3 waters. The term includes water and sediment control basins.

4 **Sec. 23. "Dry bulk fertilizer"** means nonfluid commercial
 5 fertilizer in an undivided quantity exceeding two hundred (200)
 6 pounds.

7 **Sec. 24. "Elephant ring"** means a storage container with an
 8 open top serving as a secondary containment vessel into which a
 9 smaller primary storage container is placed.

10 **Sec. 25. "Facility"** means all land, buildings, equipment,
 11 structures, and other stationary items that are located on a single
 12 site or on contiguous sites and that are owned or operated by the
 13 same person or by any person that controls, is controlled by, or is
 14 under common control with the person.

15 **Sec. 26. "Fertilizer application plan"** means a written annual
 16 or multi-year plan for nutrient application at agronomic rates for
 17 producing an agricultural crop.

18 **Sec. 27. "Fertilizer business license"** means the licensing
 19 credential issued annually to a person that is engaged in
 20 distributing or using fertilizer material on the property of another
 21 person for hire.

22 **Sec. 28. (a) "Fertilizer material"** means any substance
 23 containing nitrogen, phosphate, potash, or any recognized plant
 24 nutrient that:

25 (1) is used for the plant nutrient content; and

26 (2) has nutrient value in promoting plant growth.

27 The term includes unmanipulated manure.

28 (b) The term does not include biosolids, industrial waste
 29 products, pollutant-bearing water, or plaster.

30 **Sec. 29. "Field operations"** means the application of dry bulk
 31 fertilizer or fluid bulk fertilizer to soil or plants in the course of
 32 normal agricultural or horticultural practice.

33 **Sec. 30. "Filter strip"** means a vegetative area between a
 34 surface water body and an agricultural production field with a
 35 minimum width of fifty (50) feet and designed and maintained to
 36 intercept surface water runoff.

37 **Sec. 31. "Floodway"** has the meaning set forth under
 38 IC 14-8-2-102.

39 **Sec. 32. "Fluid bulk fertilizer"** means fluid fertilizer in an
 40 undivided quantity exceeding fifty-five (55) gallons.

41 **Sec. 33. "Fluid fertilizer"** means commercial fertilizer in liquid
 42 form and includes solutions, emulsions, suspensions, and slurries.

HB 1361—LS 7006/DI 150



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- 1 **The term does not include anhydrous ammonia.**
 2 **Sec. 34. "Grade" means the minimum percentages of the**
 3 **following elements stated in the following order:**
 4 **(1) Total nitrogen (N).**
 5 **(2) Available phosphate (P₂O₅).**
 6 **(3) Soluble potash (K₂O).**
 7 **Sec. 35. "Gradient barrier" means a structure or feature that**
 8 **prevents runoff from entering surface waters.**
 9 **Sec. 36. "Guaranteed analysis" means the minimum**
 10 **percentage of plant nutrients claimed. Recognized plant nutrients**
 11 **including the following:**
 12 **(1) Total nitrogen (N).**
 13 **(2) Available phosphate (P₂O₅).**
 14 **(3) Soluble potash (K₂O).**
 15 **(4) Calcium (Ca).**
 16 **(5) Magnesium (Mg).**
 17 **(6) Sulfur (S).**
 18 **(7) Boron (B).**
 19 **(8) Chlorine (Cl).**
 20 **(9) Cobalt (Co).**
 21 **(10) Copper (Cu).**
 22 **(11) Iron (Fe).**
 23 **(12) Manganese (Mn).**
 24 **(13) Molybdenum (Mo).**
 25 **(14) Nickel (Ni).**
 26 **(15) Sodium (Na).**
 27 **(16) Zinc (Zn).**
 28 **Sec. 37. "Highly erodible land" means soil that has a high**
 29 **potential to erode based on site-specific characteristics, including:**
 30 **(1) slope length and steepness;**
 31 **(2) soil erodibility; and**
 32 **(3) rainfall;**
 33 **as determined by the United States Department of Agriculture**
 34 **Natural Resources Conservation Service and Farm Service Agency**
 35 **maps.**
 36 **Sec. 38. "Incorporation" means the mixing of fertilizer**
 37 **material with the surface soil using standard agricultural practices,**
 38 **including tillage.**
 39 **Sec. 39. "Injection" means the placement of liquid fertilizer**
 40 **material beneath the surface of the soil in the crop root zone using**
 41 **equipment specifically designed for this purpose.**
 42 **Sec. 40. "Inorganic fertilizer" means any fertilizer material:**

HB 1361—LS 7006/DI 150



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- 1 (1) manufactured by means of a man made chemical
 2 reaction; and
 3 (2) that does not contain any plant or animal products,
 4 manures or renderings.

5 The term includes urea.

6 Sec. 41. "Label", for purposes of IC 15-16-3, means:

- 7 (1) written material;
 8 (2) printed material;
 9 (3) graphic material; or
 10 (4) any other statement;

11 accompanying a fertilizer.

12 Sec. 42. "Lawn care service" means service provided to
 13 private, institutional, or commercial entities for compensation to
 14 maintain and nourish:

- 15 (1) turf;
 16 (2) shrubbery;
 17 (3) trees; and
 18 (4) other plants;

19 commonly associated with private, institutional, or commercial
 20 lawns. The term includes the application of commercial fertilizer
 21 individually or in combination with a pesticide (as defined in
 22 IC 15-16-4-30).

23 Sec. 43. "Licensee", for purposes of IC 15-16-3, means a
 24 person that has been issued a license under IC 15-16-3.

25 Sec. 44. "Low pressure nitrogen solutions" means an aqueous
 26 solution of ammonium nitrate, urea, or other nitrogen carriers
 27 containing various quantities of free ammonia exceeding two
 28 percent (2%) by weight. The term does not include aqua ammonia
 29 and nonpressure nitrogen solutions, commonly referred to as
 30 twenty-eight percent (28%), thirty percent (30%), or thirty-two
 31 percent (32%) nitrogen solutions.

32 Sec. 45. "Manipulated organic fertilizer" means any organic
 33 fertilizer that is not manure.

34 Sec. 46. "Manure" means any of the following:

- 35 (1) Liquid or solid animal excreta.
 36 (2) Used animal bedding, litter, waste liquid, or
 37 contaminated runoff.
 38 (3) Plant remains or vegetable refuse from processing.
 39 (4) Any other materials generated at a livestock or poultry
 40 production area commingled with the materials listed in
 41 subdivisions (1) through (3).
 42 (5) Any precipitation or surface water that has come into

HB 1361—LS 7006/DI 150



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1 contact with the materials listed in subdivisions (1) through
2 (3).

3 Sec. 47. "Manure based fertilizer" means processed manure
4 based commercial fertilizer with a manure content of at least
5 seventy-five percent (75%).

6 Sec. 48. "Mixed fertilizer" means any combination or mixture
7 of commercial fertilizers:

- 8 (1) designed for use; or
9 (2) claimed to have nutrient value;
10 in promoting plant growth.

11 Sec. 49. "Official sample" means any sample of commercial
12 fertilizer or manure based fertilizer taken by the state chemist or
13 the state chemist's agent.

14 Sec. 50. "Operational area" means an area or areas at a
15 storage facility where fertilizers are:

- 16 (1) transferred, loaded, unloaded, or mixed; or
17 (2) cleaned or washed from:
18 (A) containers; or
19 (B) application, storage, or transportation equipment.

20 Sec. 51. "Operational area containment" means any structure
21 or system designed and constructed to effectively intercept and
22 contain discharges, including container or equipment wash water
23 and rainwater, and to prevent runoff or leaching from a storage
24 facility.

25 Sec. 52. "Organic fertilizer" means any fertilizer material
26 derived from plant products, animal products, or manures that
27 contain one (1) or more nutrients (other than carbon, hydrogen, or
28 oxygen) that are essential for plant growth. The term does not
29 include biosolids, industrial waste products, pollutant-bearing
30 water, or urea.

31 Sec. 53. "Permit" refers to a permit issued under:

- 32 (1) IC 15-16-2-34 to report the tonnage of commercial
33 fertilizer sold; or
34 (2) IC 15-16-3.5 to report the tonnage of manure based
35 fertilizer sold.

36 Sec. 54. "Percent" or "percentage" means the percentage by
37 weight.

38 Sec. 55. "Person" means:

- 39 (1) an individual;
40 (2) a partnership;
41 (3) an association;
42 (4) a firm;

HB 1361—LS 7006/DI 150



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- 1 (5) a limited liability company; or
 2 (6) a corporation.

3 Sec. 56. "Primary containment" means the storage of fluid
 4 bulk fertilizer in storage containers at a storage facility.

5 Sec. 57. "Private applicator certification" means the licensing
 6 credential issued to a certified applicator who:

- 7 (1) uses; or
 8 (2) supervises the use of;
 9 organic fertilizer for purposes of producing any agricultural crop
 10 on property owned, rented, or managed by the employer or the
 11 applicator.

12 Sec. 58. "Private applicator recertification program" and
 13 "PARP" mean a private applicator recertification program of
 14 fertilizer material related instruction or training that has been
 15 evaluated and approved by the state chemist.

16 Sec. 59. "Processed manure" means manure that has
 17 undergone at least one (1) step of physical or chemical processing
 18 to change the characteristics of the manure, including manure that
 19 is composted, digested, mechanically separated, or pelletized. The
 20 term does not include manure marketed for consideration without
 21 a guaranteed analysis.

22 Sec. 59.5. (a) "Production area" means the part of an AFO
 23 that includes the following:

- 24 (1) An animal confinement area.
 25 (2) A manure storage area.
 26 (3) A raw materials storage area.
 27 (4) A waste containment area.
 28 (5) An egg washing or egg processing facility.
 29 (6) An area used in the:
 30 (A) storage;
 31 (B) handling;
 32 (C) treatment; or
 33 (D) disposal;
 34 of mortalities.

35 (b) For purposes of subsection (a), an animal confinement area
 36 includes the following:

- 37 (1) An open lot.
 38 (2) A housed lot.
 39 (3) A feedlot.
 40 (4) A confinement house.
 41 (5) A stall barn.
 42 (6) Free stall barns.

HB 1361—LS 7006/DI 150



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- 1 (7) A milkroom.
- 2 (8) A milking center.
- 3 (9) Cow yards.
- 4 (10) Barnyards.
- 5 (11) A medication pen.
- 6 (12) A walker.
- 7 (13) An animal walkway.
- 8 (14) A stable.
- 9 (c) For purposes of subsection (a), a manure storage area
- 10 includes the following:
- 11 (1) A lagoon.
- 12 (2) A runoff pond.
- 13 (3) A storage shed.
- 14 (4) A stockpile.
- 15 (5) An under-house or pit storage.
- 16 (6) A liquid impoundment.
- 17 (7) A static pile.
- 18 (8) A composting pile.
- 19 (d) For purposes of subsection (a), a raw materials storage
- 20 area includes the following:
- 21 (1) A feed silo.
- 22 (2) A silage bunker.
- 23 (3) Bedding materials.
- 24 (e) For purposes of subsection (a), a waste containment area
- 25 includes the following:
- 26 (1) A settling basin.
- 27 (2) An area within berms and diversions that separates
- 28 uncontaminated storm water.
- 29 Sec. 60. "Public water supply surface intake structure" means
- 30 any structure used for the purpose of providing water through a
- 31 public water supply system.
- 32 Sec. 61. "Public water supply well" means any well that
- 33 provides water to the public through a water distribution system
- 34 that:
- 35 (1) serves at least twenty-five (25) persons per day for:
- 36 (A) drinking;
- 37 (B) domestic use; or
- 38 (C) other purposes; or
- 39 (2) has at least fifteen (15) service connections.
- 40 Sec. 62. "Registrant" means a person that registers:
- 41 (1) commercial fertilizer under IC 15-16-2; or
- 42 (2) manure based fertilizer under IC 15-16-3.5.

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1 Sec. 63. "Saturated ground" means soil soaked with moisture
2 so that the soil cannot absorb any more liquid.

3 Sec. 64. "Secondary containment" means any structure,
4 including a dike, used to contain fertilizer discharges from bulk
5 storage containers and prevent runoff or leaching.

6 Sec. 65. "Sell" or "sale" includes exchange.

7 Sec. 66. "Sinkhole" means a natural depression in the surface
8 of the land caused by the collapse of the roof of a cavern or
9 subterranean passage.

10 Sec. 67. "Specialty fertilizer" means a commercial fertilizer
11 distributed for nonfarm use.

12 Sec. 68. "Spill" means any unexpected, unintended, abnormal,
13 or unapproved liquid or dry dumping, leakage, drainage, seepage,
14 or other loss of fertilizer. The term does not include releases to
15 impermeable surfaces when the fertilizer does not migrate off the
16 surface or penetrate the surface and enter the soil.

17 Sec. 69. "Staging" means the placement of fertilizer material];
18 (1) gathered in a pile to be used for field application within
19 one hundred ~~and~~ twenty (120) days]; or
20 (2) at a production area for:
21 (A) livestock (as defined in IC 15-17-2-47); or
22 (B) poultry (as defined in IC 15-17-2-87);
23 not regulated under IC 13-18-10].

24 Sec. 70. "State chemist" means the Indiana state chemist or an
25 agent appointed by the state chemist.

26 Sec. 71. "Storage" means the storage of bulk fertilizer or
27 manure based fertilizer by a person that:

- 28 (1) manufactures or distributes bulk fertilizer or manure
29 based fertilizer; or
30 (2) stores bulk fertilizer or manure based fertilizer for
31 personal use.

32 Sec. 72. (a) "Storage container" means the following:

- 33 (1) A container used for the storage of fluid bulk fertilizer.
34 (2) A rail car, nurse tank, or other mobile container used for
35 the storage of fluid bulk fertilizer.

36 (b) The term does not include the following:

- 37 (1) A mobile container storing fluid bulk fertilizer at a
38 storage facility for less than fifteen (15) days, if this storage
39 is incidental to the loading or unloading of a storage
40 container at the storage facility.
41 (2) A mobile container located other than on property
42 owned, operated, or controlled by an owner or operator of a

HB 1361—LS 7006/DI 150



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- 1 storage facility.
- 2 (3) A container used solely for emergency storage of leaking
- 3 fertilizer containers.
- 4 Sec. 73. "Storage facility" means a location at which:
- 5 (1) fluid bulk fertilizer in undivided quantities in excess of:
- 6 (A) two thousand five hundred (2,500) gallons; or
- 7 (B) a total capacity of seven thousand five hundred
- 8 (7,500) gallons; or
- 9 (2) dry bulk fertilizer in undivided quantities exceeding
- 10 twelve (12) tons;
- 11 is held in storage.
- 12 Sec. 74. "Storage facility location registry" means the annual
- 13 listing of all storage facilities at any location in Indiana by the state
- 14 chemist that is compiled from the written notification received
- 15 from the storage facility.
- 16 Sec. 75. "Surface application" means the placement of
- 17 fertilizer material by spraying or spreading onto the land surface.
- 18 Sec. 76. (a) "Surface water" means waters, as defined in
- 19 IC 13-11-2-265, that are present on the surface of the earth,
- 20 including the following:
- 21 (1) Streams.
- 22 (2) Lakes.
- 23 (3) Ponds.
- 24 (4) Rivers.
- 25 (5) Swamps.
- 26 (6) Marshes.
- 27 (7) Wetlands.
- 28 (b) The term does not include the following:
- 29 (1) Temporary ponding in an agricultural crop growing area.
- 30 (2) Temporary puddles.
- 31 (3) Farmed wetlands.
- 32 (4) Private ponds that:
- 33 (A) are under the care, custody, and control of the
- 34 person applying or ordering the application of fertilizer
- 35 material; and
- 36 (B) do not have an outfall to other surface waters.
- 37 Sec. 77. "Tank mixed liquid fertilizer" means a fluid mixture
- 38 of commercial fertilizer and water in which the total nutrient
- 39 content of the mixture does not exceed the amount determined by
- 40 the state chemist under IC 15-16-3-21.
- 41 Sec. 78. "Ton" means a net weight of two thousand (2,000)
- 42 pounds avoirdupois.

HB 1361—LS 7006/DI 150



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1 **Sec. 79. "Trained employee" means any individual who:**
 2 **(1) is operating as an employee, agent, or contractor of a**
 3 **certified applicator; and**
 4 **(2) has received training required under IC 15-16-2.5-5(b) to**
 5 **use fertilizer material under the supervision of the certified**
 6 **applicator.**

7 **Sec. 80. (a) "Use", except as provided in subsection (b), means**
 8 **the placement or usage of fertilizer materials on a targeted**
 9 **growing area.**

10 **(b) "Use", for purposes of IC 15-16-2.7, means the:**
 11 **(1) application of fertilizer material on an agricultural crop**
 12 **growing area;**
 13 **(2) handling of fertilizer materials; or**
 14 **(3) transportation of fertilizer materials.**

15 SECTION 3. IC 15-16-2-0.5 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. Nothing in this chapter**
 18 **impairs any authority granted to the Indiana department of**
 19 **environmental management under IC 13-13-5-1(1).**

20 SECTION 4. IC 15-16-2-1.5 IS REPEALED [EFFECTIVE JULY
 21 1, 2026]. ~~Sec. 1-5: (a) As used in this section, "manure based fertilizer"~~
 22 ~~means processed manure based commercial fertilizer with a manure~~
 23 ~~content of at least seventy-five percent (75%).~~

24 ~~(b) Except as provided in subsection (c) and sections 35 and 36 of~~
 25 ~~this chapter, this chapter does not apply to manure based fertilizer.~~

26 ~~(c) The state chemist shall adopt rules under IC 4-22-2:~~
 27 ~~(1) regulating the distribution of manure based fertilizer; and~~
 28 ~~(2) establishing fees for the distribution of manure based~~
 29 ~~fertilizer.~~

30 SECTION 5. IC 15-16-2-2.5 IS REPEALED [EFFECTIVE JULY
 31 1, 2026]. ~~Sec. 2-5: As used in this chapter, "ammonium nitrate" means~~
 32 ~~the ammonium salt of nitric acid; which must contain not less than~~
 33 ~~thirty-three percent (33%) nitrogen; fifty percent (50%) of which is in~~
 34 ~~the ammonium form and fifty percent (50%) of which is in the nitrate~~
 35 ~~form.~~

36 SECTION 6. IC 15-16-2-3 IS REPEALED [EFFECTIVE JULY 1,
 37 2026]. ~~Sec. 3: As used in this chapter, "blender" means a person or~~
 38 ~~system engaged in the business of blending commercial fertilizer.~~

39 SECTION 7. IC 15-16-2-3.5 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2026]: **Sec. 3.5. (a) Except as provided in**
 42 **subsection (b), this chapter applies to any person that:**

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- 1 (1) uses fertilizer material for hire on the property of another
- 2 person for purposes of producing an agricultural crop;
- 3 (2) uses organic fertilizer from a confined feeding operation
- 4 for purposes of producing an agricultural crop; or
- 5 (3) distributes fertilizer material directly to any person
- 6 described in this subsection.

- 7 (b) This chapter does not apply to any person that:
- 8 (1) uses or distributes less than ten (10) cubic yards or four
- 9 thousand (4,000) gallons of organic fertilizer obtained from
- 10 a confined feeding operation in a calendar year;
- 11 (2) uses biosolids on land in Indiana that complies with 327
- 12 IAC 6.1; or
- 13 (3) distributes inorganic fertilizer to retail facilities.

14 SECTION 8. IC 15-16-2-4 IS REPEALED [EFFECTIVE JULY 1,
 15 2026]. Sec. 4: As used in this chapter, "blending" means the physical
 16 mixing or combining:

- 17 (1) of one (1) or more commercial fertilizers and one (1) or more
- 18 filler materials;
- 19 (2) of two (2) or more commercial fertilizers; or
- 20 (3) of two (2) or more commercial fertilizers and filler materials;
- 21 including mixing through the simultaneous or sequential application of
- 22 any of the combinations referred to in subdivision (1), (2), or (3) to
- 23 produce a uniform mixture.

24 SECTION 9. IC 15-16-2-5 IS REPEALED [EFFECTIVE JULY 1,
 25 2026]. Sec. 5: As used in this chapter, "board" refers to the Indiana
 26 fertilizer advisory board established by section 25 of this chapter.

27 SECTION 10. IC 15-16-2-6 IS REPEALED [EFFECTIVE JULY
 28 1, 2026]. Sec. 6: As used in this chapter, "brand" means a term, design,
 29 or trademark used in connection with at least one (1) grade of
 30 commercial fertilizer.

31 SECTION 11. IC 15-16-2-7 IS REPEALED [EFFECTIVE JULY
 32 1, 2026]. Sec. 7: As used in this chapter, "bulk fertilizer" means a
 33 commercial fertilizer distributed in nonpackaged form.

34 SECTION 12. IC 15-16-2-8 IS REPEALED [EFFECTIVE JULY
 35 1, 2026]. Sec. 8: As used in this chapter, "commercial fertilizer" means
 36 mixed fertilizer or fertilizer materials. The term does not include
 37 nonprocessed manure, marl, lime, wood ashes, or plaster.

38 SECTION 13. IC 15-16-2-9 IS REPEALED [EFFECTIVE JULY
 39 1, 2026]. Sec. 9: As used in this chapter, "custom blend" means a
 40 commercial fertilizer blended:

- 41 (1) according to specifications provided to a blender in a soil test
- 42 nutrient recommendation; or

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1 (2) to meet specific requests of a consumer (who is the end user)
2 before blending.

3 SECTION 14. IC 15-16-2-10 IS REPEALED [EFFECTIVE JULY
4 1, 2026]. Sec. 10: As used in this chapter, "distributor" means a person
5 who:

- 6 (1) offers for sale;
- 7 (2) sells;
- 8 (3) barter; or
- 9 (4) supplies;

10 commercial fertilizers.

11 SECTION 15. IC 15-16-2-11 IS REPEALED [EFFECTIVE JULY
12 1, 2026]. Sec. 11: As used in this chapter, "fertilizer material" means
13 any substance containing nitrogen, phosphate, potash, or any
14 recognized plant nutrient that:

- 15 (1) is used for the plant nutrient content; and
- 16 (2) has nutrient value in promoting plant growth.

17 The term includes unmanipulated animal and vegetable manures.

18 SECTION 16. IC 15-16-2-12 IS REPEALED [EFFECTIVE JULY
19 1, 2026]. Sec. 12: As used in this chapter, "grade" means the minimum
20 percentages of the following elements stated in the following order:

- 21 (1) Total nitrogen (N);
- 22 (2) Available phosphate (P_2O_5);
- 23 (3) Soluble potash (K_2O).

24 SECTION 17. IC 15-16-2-13 IS REPEALED [EFFECTIVE JULY
25 1, 2026]. Sec. 13: As used in this chapter, "mixed fertilizer" means any
26 combination or mixture of commercial fertilizers:

- 27 (1) designed for use; or
- 28 (2) claimed to have nutrient value;

29 in promoting plant growth.

30 SECTION 18. IC 15-16-2-14 IS REPEALED [EFFECTIVE JULY
31 1, 2026]. Sec. 14: As used in this chapter, "official sample" means any
32 sample of commercial fertilizer taken by the state chemist or the state
33 chemist's agent.

34 SECTION 19. IC 15-16-2-15 IS REPEALED [EFFECTIVE JULY
35 1, 2026]. Sec. 15: As used in this chapter, "permit" refers to a permit
36 issued under section 34 of this chapter to report the tonnage of
37 commercial fertilizer sold.

38 SECTION 20. IC 15-16-2-16 IS REPEALED [EFFECTIVE JULY
39 1, 2026]. Sec. 16: As used in this chapter, "percent" or "percentage"
40 means the percentage by weight.

41 SECTION 21. IC 15-16-2-17 IS REPEALED [EFFECTIVE JULY
42 1, 2026]. Sec. 17: As used in this chapter, "person" means:

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- 1 (1) an individual;
- 2 (2) a partnership;
- 3 (3) an association;
- 4 (4) a firm;
- 5 (5) a limited liability company; or
- 6 (6) a corporation.
- 7 SECTION 22. IC 15-16-2-18 IS REPEALED [EFFECTIVE JULY
- 8 1, 2026]. Sec. 18: As used in this chapter, "registrant" means a person
- 9 who registers commercial fertilizer under this chapter.
- 10 SECTION 23. IC 15-16-2-19 IS REPEALED [EFFECTIVE JULY
- 11 1, 2026]. Sec. 19: As used in this chapter, "sell" or "sale" includes
- 12 exchange.
- 13 SECTION 24. IC 15-16-2-20 IS REPEALED [EFFECTIVE JULY
- 14 1, 2026]. Sec. 20: As used in this chapter, "specialty fertilizer" means
- 15 a commercial fertilizer distributed for nonfarm use.
- 16 SECTION 25. IC 15-16-2-21 IS REPEALED [EFFECTIVE JULY
- 17 1, 2026]. Sec. 21: As used in this chapter, "storage" means the storage
- 18 of bulk fertilizer by a person who:
- 19 (1) manufactures or distributes bulk fertilizer; or
- 20 (2) stores bulk fertilizer for personal use.
- 21 SECTION 26. IC 15-16-2-22 IS REPEALED [EFFECTIVE JULY
- 22 1, 2026]. Sec. 22: As used in this chapter, "ton" means a net weight of
- 23 two thousand (2,000) pounds avoirdupois.
- 24 SECTION 27. IC 15-16-2-23 IS REPEALED [EFFECTIVE JULY
- 25 1, 2026]. Sec. 23: As used in this chapter, "use" means the placement
- 26 or usage of fertilizer materials on a targeted growing area.
- 27 SECTION 28. IC 15-16-2-25, AS AMENDED BY P.L.81-2009,
- 28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2026]: Sec. 25. (a) The Indiana fertilizer advisory board is
- 30 established to:
- 31 (1) study the regulation of fertilizer material; ~~and~~
- 32 (2) **recommend changes to the schedule of civil penalties; and**
- 33 (3) advise the state chemist on the administration of this chapter.
- 34 (b) The board consists of the following members:
- 35 (1) Two (2) representatives of the retail fertilizer industry.
- 36 (2) One (1) representative of fertilizer manufacturing,
- 37 distributing, or manufacturing and distributing.
- 38 (3) Two (2) representatives of producers of agricultural crops.
- 39 (4) One (1) representative of the lawn care industry.
- 40 (5) One (1) representative of the Purdue School of Agriculture.
- 41 (6) One (1) representative of a public conservation organization.
- 42 (7) One (1) representative of the livestock industry.

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HB 1361—LS 7006/DI 150



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- 1 (8) The president of the Indiana Plant Food and Agricultural
- 2 Chemicals Association, who serves as a nonvoting member.
- 3 (9) One (1) representative of the department of environmental
- 4 management, who serves as a nonvoting member.
- 5 (10) The fertilizer administrator for the office of the state
- 6 chemist, who serves as a nonvoting member.
- 7 (11) The engineer specialist for the office of the state chemist,
- 8 who serves as a nonvoting member.
- 9 (12) One (1) representative of the Indiana state department of
- 10 agriculture, who shall serve as a nonvoting member.

11 (c) The state chemist shall appoint the voting members of the
 12 board, who serve for terms of four (4) years.

13 (d) Voting members of the board may be appointed for successive
 14 terms at the discretion of the state chemist.

15 SECTION 29. IC 15-16-2-31.5 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2026]: **Sec. 31.5. (a) Additional plant**
 18 **nutrients besides nitrogen (N), phosphate (P₂O₅), and soluble**
 19 **potash (K₂O), when mentioned or claimed on the:**

- 20 (1) tag or label;
- 21 (2) container; or
- 22 (3) written or printed statement that accompanies delivery;
- 23 **must be registered and guaranteed under section 31 of this chapter.**
- 24 **Guarantees must be made on the elemental basis. The source of**
- 25 **each guaranteed element must be included on the application for**
- 26 **registration.**

27 (b) When a claim for an additional plant nutrient is made on
 28 the label, container, or application for registration, the minimum
 29 percentages that will be accepted for registration are as follows:

30	Element	Percentage
31	Calcium (Ca)	1.00
32	Magnesium (Mg)	0.50
33	Sulfur (S)	1.00
34	Boron (B)	0.02
35	Chlorine (Cl)	0.10
36	Cobalt (Co)	0.0005
37	Copper (Cu)	0.05
38	Iron (Fe)	0.10
39	Manganese (Mn)	0.05
40	Molybdenum (Mo)	0.0005
41	Nickel (Ni)	0.0010
42	Sodium (Na)	0.10

HB 1361—LS 7006/DI 150



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Zinc (Zn) 0.05

(c) Except as provided in subsection (e), the guarantees or claims for the additional plant nutrients listed in subsection (b) are the only ones that will be accepted. Proposed labels and directions for use of the fertilizer must be furnished with the application for registration upon request. Any element listed in subsection (b) that is guaranteed must appear in the order listed, immediately following the guarantees for the primary nutrients, nitrogen, phosphorus, and potassium.

(d) A warning or caution statement is required on the label for any product that contains at least:

(1) three-hundredths percent (0.03%) of boron in a water soluble form; or

(2) one-thousandth percent (0.001%) of molybdenum.

(e) When any compound of boron is incorporated into a commercial fertilizer, a special warning tag or statement must be furnished to the purchaser and must contain the following:

(1) The word "WARNING" in letters at least three-fourths (3/4) inch in height.

(2) A statement describing the crops for which the fertilizer is to be used.

(3) A statement declaring use of the fertilizer on any other crops or under conditions other than those recommended may result in serious injury to the crops.

The tag or statement must be attached to or printed on the bag or other container in which the fertilizer is sold. For bulk fertilizers, the statement must be placed on the invoice or other document that must accompany delivery and be supplied to the purchaser at the time of delivery as provided in section 32 of this chapter.

(f) Except for the additional plant nutrients listed in subsection (b), additional plant food elements or other additives that are determinable by chemical methods may be guaranteed only by permission of the state chemist. The state chemist shall grant permission only if the state chemist determines, with the advice of the dean of agriculture of Purdue University or the dean's designee, that the guarantee would not constitute a misrepresentation and is correct. Additional plant foods that are guaranteed:

(1) must be included in the guarantee in the form of the element; and

(2) are subject to inspection and analysis in accordance with the methods that the state chemist prescribes.

HB 1361—LS 7006/DI 150



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1 SECTION 30. IC 15-16-2-31.7 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 31.7. (a) When an insecticide, a
4 herbicide, or any other additive for pest control is added to
5 fertilizer the product must be registered and guaranteed with
6 respect to the kind and percentage of each insecticide, herbicide,
7 and additive and each plant food element.**

8 **(b) The label on the bag or other container of a product
9 described in subsection (a) must prominently state:**

- 10 **(1) the crops for which the product is to be used; and**
- 11 **(2) that the use of the product on any other crops or under
12 conditions other than those recommended may result in
13 serious injury to crops.**

14 SECTION 31. IC 15-16-2-32, AS AMENDED BY P.L.81-2009,
15 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: **Sec. 32. (a) The bag or other container in which any
17 commercial fertilizer is offered for sale, sold, or distributed in Indiana
18 must have a written or printed statement of the net weight and the
19 information required by section 31 of this chapter directly on or affixed
20 to the package.**

21 **(b) If the commercial fertilizer is distributed in bulk, the written or
22 printed statement required by section 31 of this chapter must:**

- 23 **(1) accompany the commercial fertilizer at delivery; and**
- 24 **(2) be supplied to the purchaser at time of delivery.**

25 **(c) Any additional information, including printed materials or
26 a design, that is attached to, appears on, or is associated with the
27 commercial fertilizer may not conflict with the information
28 required under this section.**

29 SECTION 32. IC 15-16-2-36, AS AMENDED BY P.L.29-2024,
30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2026]: **Sec. 36. (a) Notwithstanding any other law, all excess
32 funds accumulated from the fees collected by:**

- 33 **(1) the state chemist, under this chapter, IC 15-15-2,
34 IC 15-16-2.5, IC 15-16-4, IC 15-16-5, and IC 15-19-7; and**
- 35 **(2) the state seed commissioner under IC 15-15-1 and
36 IC 15-15-13;**

37 shall be paid to the treasurer of Purdue University. The funds shall be
38 administered by the board of trustees of Purdue University.

39 **(b) On approval of the governor and the budget agency, and upon
40 review of the budget committee, the board of trustees may spend the
41 excess funds for the construction, operation, rehabilitation, and repair
42 of buildings, structures, or other facilities used for:**

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HB 1361—LS 7006/DI 150



- 1 (1) carrying out the purposes of those chapters referred to in
- 2 subsection (a) under which the fees are collected; or
- 3 (2) the agricultural programs authorized by law and in support of
- 4 the purposes of the chapters referred to in subsection (a).

5 SECTION 33. IC 15-16-2-38, AS AMENDED BY P.L.99-2012,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2026]: Sec. 38. (a) The state chemist shall:

- 8 (1) sample, inspect, make analysis of, and test commercial
- 9 fertilizers distributed within Indiana; and
- 10 (2) inspect the storage of bulk fertilizers in Indiana at a time and
- 11 place and to such an extent as necessary to determine whether the
- 12 bulk fertilizers and their storage are in compliance with this
- 13 chapter.

14 (b) The state chemist may enter upon any public or private premises
 15 during regular business hours in order to have access to:

- 16 (1) fertilizer materials; and
- 17 (2) plans and records relating to the transportation, storage, sale,
- 18 and use of fertilizer materials;

19 subject to this chapter and the rules adopted under this chapter.

20 (c) The state chemist shall ~~adopt use the~~ methods of sampling and
 21 analysis for commercial fertilizers ~~from sources that may include are~~
 22 **adopted by** AOAC International. In cases of dispute, AOAC
 23 International's methods prevail if AOAC International's methods are
 24 available. **However, in cases not covered by AOAC International's**
 25 **methods, or in cases where methods are available in which**
 26 **improved applicability has been demonstrated, the state chemist**
 27 **may adopt appropriate methods from other sources.**

28 (d) The state chemist shall determine for administrative purposes
 29 whether a commercial fertilizer is deficient in plant foods using only
 30 the official sample obtained and analyzed as provided in subsection (c).

31 (e) The state chemist may request a court to issue subpoenas to
 32 compel:

- 33 (1) the attendance of witnesses; or
 - 34 (2) the production of books, documents, and records;
- 35 as part of an authorized investigation or a hearing located in Indiana
 36 affecting the authority or privilege granted by a license, certificate,
 37 application, registration, or permit issued under this chapter.

38 SECTION 34. IC 15-16-2-44, AS AMENDED BY P.L.189-2011,
 39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2026]: Sec. 44. (a) The state chemist may adopt rules under
 41 IC 4-22-2 concerning the following:

- 42 (1) The distribution and use of fertilizer material, including

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HB 1361—LS 7006/DI 150



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1 standards to protect waters of the state.
 2 (2) The distribution and storage of bulk fertilizers, including
 3 standards for the storage of bulk fertilizers to protect the waters
 4 of the state.
 5 (b) The state chemist shall adopt rules under IC 4-22-2 concerning
 6 the following:
 7 (1) Subject to subsection (c), the establishment of certification
 8 and educational programs, as determined by the state chemist,
 9 relating to the application of fertilizer material; the transportation
 10 of fertilizer material; or both for the following:
 11 (A) Persons who apply fertilizer material for hire; transport
 12 fertilizer material for hire; or both.
 13 (B) Persons who apply fertilizer material; transport fertilizer
 14 material; or both from the following:
 15 (i) Confined feeding operations (as defined in
 16 IC 13-11-2-40).
 17 (ii) Operations outside Indiana that would be confined
 18 feeding operations (as defined in IC 13-11-2-40) if they
 19 were located in Indiana.
 20 (2) The establishment of fees for the certification and education
 21 programs established under subdivision (1).
 22 (c) (b) The state chemist shall adopt rules under IC 4-22-2 before
 23 July 1, 2012, concerning the staging, management, and land application
 24 of fertilizer material.
 25 (d) Any fees collected for a certification and educational programs
 26 under subsection (b)(1) shall be collected by the state chemist and
 27 deposited and administered under section 44.5 of this chapter.
 28 (e) The state chemist may waive all or part of the certification
 29 requirements established under subsection (b)(1) on a reciprocal basis
 30 with any state agency or federal agency that has substantially the same
 31 certification standards.
 32 SECTION 35. IC 15-16-2-44.5, AS AMENDED BY P.L.29-2024,
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2026]: Sec. 44.5. (a) The state chemist shall pay to the
 35 treasurer of Purdue University all certification and educational program
 36 fees collected under ~~section 44 of this chapter~~ IC 15-16-2.5-14.
 37 (b) Certification and educational program fees collected under [
 38 ~~section 44 of this chapter~~ IC 15-16-2.5-14 must be used to pay all
 39 necessary expenses incurred in carrying out and administering the
 40 certification and educational programs.
 41 (c) The dean of agriculture of Purdue University shall make an
 42 annual classified report to the:

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HB 1361—LS 7006/DI 150



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- 1 (1) governor;
- 2 (2) legislative council; and
- 3 (3) budget committee;

4 showing the total receipts and expenditures of all fees received under
 5 this section. The budget committee shall review this report annually.

6 SECTION 36. IC 15-16-2-44.7 IS ADDED TO THE INDIANA
 7 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 8 **[EFFECTIVE JULY 1, 2026]: Sec. 44.7. The state chemist shall**
 9 **deposit all money collected for civil penalties under this chapter**
 10 **into an account for the Purdue Pesticide Programs for the purpose**
 11 **of providing education about fertilizers.**

12 SECTION 37. IC 15-16-2-49.5, AS AMENDED BY P.L.81-2009,
 13 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2026]: Sec. 49.5. (a) If a person violates this chapter or a rule
 15 adopted under this chapter, the state chemist may:

- 16 (1) warn, issue a citation to, or impose a civil penalty on the
- 17 person; ~~or~~
- 18 (2) deny, suspend, revoke, or amend the person's registration
- 19 under this chapter;
- 20 **(3) refer the person for criminal prosecution; or**
- 21 **(4) refer the person to another appropriate governmental**
- 22 **agency.**

23 **However, nothing in this chapter requires the state chemist to**
 24 **impose a civil penalty for a violation.**

25 (b) The state chemist shall ~~adopt by rule, under IC 4-22-2, a~~
 26 ~~schedule of civil penalties that may be imposed under subsection (a).~~
 27 ~~The state chemist may impose a civil penalty only according to a the~~
 28 ~~schedule of civil penalties recommended by the board: in section 49.6~~
 29 **of this chapter.**

30 (c) A person who knowingly or intentionally violates this chapter
 31 commits a Class A misdemeanor.

32 SECTION 38. IC 15-16-2-49.6 IS ADDED TO THE INDIANA
 33 CODE A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
 34 JULY 1, 2026]: **Sec. 49.6. The schedule of civil penalties for**
 35 **violations of this chapter are as follows:**

- 36 **(1) Each penalty for each violation, if the violation is of a**
- 37 **continuing nature, shall not be imposed for more than one**
- 38 **hundred eighty (180) days when assessed on a per day basis.**
- 39 **(2) Each penalty for each violation, if the violation is of an**
- 40 **identical repetitive nature, may not be imposed for more than**
- 41 **one hundred eighty (180) incidents when assessed on a per**
- 42 **incident basis.**

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Legal Citation	General Description of Violation	Violation Number	Violation Assessment		
		1 2	3 and subsequent		
IC 15-16-2-43 and >[] IC 15-16-2.5-9	Use fraud in applying for license, < permit, or registration.	\$250 \$500 \$1,000	Per incident		
IC 15-16-2-46	Sell, use, or remove without permission a product placed under a stop sale, < use, or removal order.	\$250 \$500 \$1,000	Per incident		
The preceding penalty amounts for a violation of IC 15-16-2-46 are not eligible for a potential mitigation under section 49.8 of this chapter.					
IC 15-16-2.5-2 and IC 15-15-2.5-3	Engage in business for hire without a business license.	\$250 \$500 \$1,000	Per day		
IC 15-16-2.5-2 and IC 15-16-2.5-3	Use fertilizer material without certification.	\$100 \$200 \$300	Per day		
IC 15-16-2.5-4	Distribute fertilizer material without a business license.	\$250 \$500 \$1,000	Per day		
IC 15-16-2.5-4	Distribute fertilizer material	\$100 \$200 \$300	Per incident		

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1		to an				
2		unlicensed				
3		user.				
4	IC	Fail to	\$100	\$200	\$300	Per incident
5	15-16-2.5-5	train				
6		employees.				
7	IC	Fail to	\$125	\$250	\$500	Per day
8	15-16-2.5-5(d)	properly				
9		supervise				
10		employee.				
11	IC	Fail to	\$100	\$250	\$500	Per incident
12	15-16-2.7-2(1)	develop or				
13	and	follow a				
14	IC	fertilizer				
15	15-16-2.7-2(2)	application				
16		plan.				
17	IC	Apply	\$100	\$250	\$500	Per incident
18	15-16-2.7-2(3)	fertilizer				
19		material				
20		directly to				
21		surface water.				
22	IC	Apply	\$100	\$250	\$500	Per incident
23	15-16-2.7-2(4)	fertilizer				
24		material to				
25		saturated				
26		ground.				
27	IC	Apply	\$100	\$250	\$500	Per incident
28	15-16-2.7-2(5)	fertilizer				
29		material				
30		from a				
31		public road.				
32	The preceding penalty amounts for a violation of IC 15-16-2.7-2(5)					
33	are not eligible for a potential mitigation under section 49.8 of this					
34	chapter.					
35	IC	Fail to	\$250	\$500	\$1,000	Per incident
36	15-16-2.7-3	follow				
37		proper				
38		unmanipulated				
39		organic				
40		fertilizer				
41		application				
42		setback or				

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HB 1361—LS 7006/DI 150



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1		incorporation				
2		requirements.				
3	IC	Improper	\$250	\$500	\$1,000	Per incident
4	15-16-2.7-4	application of				
5		unmanipulated				
6		organic				
7		fertilizer to				
8		highly erodible				
9		land.				
10	IC	Improper	\$250	\$500	\$1,000	Per incident
11	15-16-2.7-5	application of				
12		unmanipulated				
13		organic				
14		fertilizer to				
15		frozen or snow				
16		covered ground.				
17	IC	Fail to	\$100	\$250	\$500	Per day
18	15-16-2.7-6	properly				
19		monitor				
20		organic				
21		fertilizer				
22		application.				
23	IC	Fail to	\$250	\$500	\$1,000	Per incident
24	15-16-2.7-7	properly				and per day
25		stage				
26		inorganic				
27		fertilizer.				
28	IC	Fail to	\$250	\$500	\$1,000	Per incident
29	15-16-2.7-8	properly				and per day
30		stage				
31		organic				
32		fertilizer.				
33	IC	Fail to	\$25	\$50	\$75	Per day
34	15-16-2.7-9	keep proper				
35		distribution				
36		records.				
37	IC	Fail to	\$25	\$50	\$75	Per day
38	15-16-2.7-10	keep proper				
39		application				
40		records.				
41	IC	Make false	\$250	\$500	\$1,000	Per incident
42	15-16-2.7-9	records.				

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HB 1361—LS 7006/DI 150



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1	and					
2	IC					
3	15-16-2.7-10					
4	The preceding penalty amounts for a violation of IC 15-16-2.7-9 or					
5	IC 15-16-2.7-10 are not eligible for a potential mitigation under					
6	section 49.8 of this chapter.					
7	IC	Fail to	\$100	\$250	\$500	Per incident
8	15-16-2.7-11	make				
9		records				
10		available.				
11	The preceding penalty amounts for a violation of IC 15-16-2.7-11					
12	are not eligible for a potential mitigation under section 49.8 of this					
13	chapter.					
14	IC	Operate	\$100	\$200	\$300	Per incident
15	15-16-3.3-1(e)	storage				
16		containers or				
17		appurtenances				
18		with an				
19		improper				
20		design.				
21	IC	Store a	\$250	\$500	\$1,000	Per day
22	15-16-3.3-2	fertilizer in				
23		an underground				
24		bulk container.				
25	IC	Abandon a	\$250	\$500	\$1,000	Per incident
26	15-16-3.3-3	bulk storage				
27		container				
28		improperly.				
29	IC	Store a	\$100	\$200	\$300	Per incident
30	15-16-3.3-1	fertilizer in				
31	and	a bulk				
32	IC	container made				
33	15-16-3.3-4	of improper				
34		design or				
35		materials.				
36	IC	Fail to	\$100	\$250	\$500	Per incident
37	15-16-3.3-5(a)	anchor				
38		bulk storage				
39		containers				
40		properly.				
41	IC	Fail to	\$100	\$250	\$500	Per incident
42	15-16-3.3-6	provide bulk				

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HB 1361—LS 7006/DI 150



1		container				
2		security.				
3	IC	Fill bulk	\$100	\$200	\$300	Per incident
4	15-16-3.3-7	container				
5		beyond				
6		intended				
7		capacity.				
8	IC	Fail to	\$50	\$50	\$50	Per day
9	15-16-3.3-8	support or				
10		contain				
11		appurtenances.				
12	IC	Fail to	\$50	\$100	\$150	Per incident
13	15-16-3.3-9	provide a				
14		liquid level				
15		device or				
16		secure liquid				
17		level gauge.				
18	IC	Fail to	\$25	\$50	\$100	Per incident
19	15-16-3.3-10	properly label				
20		bulk container.				
21	IC	Fail to	\$100	\$200	\$300	Per day
22	15-16-3.3-11	maintain bulk				
23		container or				
24		appurtenance.				
25	IC	Fail to carry	\$250	\$500	\$1,000	Per incident
26	15-16-3.3-12(b)	out operational				
27		area activities				
28		within contained				
29		area.				
30	IC	Operate	\$100	\$200	\$300	Per day
31	15-16-3.3-12(c)	operational area				
32		containment with				
33		improper design,<				
34	>	construction, or				
35		capacity.				
36	IC	Operate	\$100	\$200	\$300	Per day
37	15-16-3.3-12(e)	operational				
38		area with a				
39		valve, or				
40		improper				
41		pump.				
42	IC	Fail to	\$100	\$200	\$300	Per incident

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HB 1361—LS 7006/DI 150



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1	15-16-3.3-12(f) remove					
2	liquids					
3	promptly from					
4	operational area					
5	containment.					
6	IC	Fail to	\$100	\$200	\$300	Per incident
7	15-16-3.3-12(g) protect storage					
8	containers and					
9	appurtenances					
10	from damage					
11	by vehicles.					
12	IC	Fail to	\$100	\$200	\$300	Per day
13	15-16-3.3-12(i) maintain					
14	operational					
15	area containment.					
16	IC	Store a	\$250	\$500	\$1,000	Per day
17	15-16-3.3-13(a) bulk container					
18	outside of					
19	secondary					
20	containment.					
21	IC	Fail to	\$100	\$200	\$300	Per day
22	15-16-3.3-13(b) separate fertilizer					
23	secondary					
24	containment					
25	from other					
26	materials.					
27	IC	Fail to	\$100	\$200	\$300	Per day
28	15-16-3.3-13(c) maintain					
29	and	required				
30	IC	capacity for				
31	15-16-3.3-22(b) secondary					
32	containment.					
33	IC	Operate	\$100	\$200	\$300	Per day
34	15-16-3.3-13(f) secondary					
35	containment					
36	with tile					
37	drainage within					
38	or under the					
39	containment.					
40	IC	Operate	\$100	\$200	\$300	Per day
41	15-16-3.3-14(a) secondary					
42	containment with					

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1		improperly				
2		constructed				
3		or sealed walls.				
4	IC	Operate	\$100	\$200	\$300	Per day
5	15-16-3.3-15,	secondary				
6	IC	containment				
7	15-16-3.3-16,	with improperly				
8	IC	constructed				
9	15-16-3.3-17,	or sealed				
10	IC	base.				
11	15-16-3.3-18,<					
12	>[]or IC					
13	15-16-3.3-19					
14	IC	Operate an	\$100	\$200	\$300	Per day
15	15-16-3.3-21	improperly				
16		designed,<				
17	>	constructed,<				
18	>	or maintained				
19		elephant ring.				
20	IC	Operate	\$100	\$200	\$300	Per day
21	15-16-3.3-22(a)	secondary				
22		containment				
23		with a relief				
24		outlet, valve,<				
25	>	or improper				
26		pump.				
27	IC	Fail to	\$100	\$200	\$300	Per day
28	15-16-3.3-23(a)	maintain				
29		secondary				
30		containment.				
31	IC	Fail to	\$25	\$50	\$100	Per day
32	15-16-3.3-23(b)	maintain				
33		secondary				
34		containment				
35		free of				
36		debris and				
37		foreign matter.				
38	IC	Store dry	\$250	\$500	\$1,000	Per day
39	15-16-3.3-24(a)	bulk				
40		fertilizer in				
41		an unsound				
42		manner.				

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HB 1361—LS 7006/DI 150



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1	IC	Fail to	\$250	\$500	\$1,000	Per incident
2	15-16-3.3-24(b)	provide a				
3		dry fertilizer				
4		operations				
5		pad.				
6	IC	Fail to	\$50	\$100	\$150	Per year
7	15-16-3.3-25	notify the				
8		state chemist				
9		annually of				
10		the bulk				
11		storage facility				
12		location and				
13		status.				
14	355	Supervise	\$100	\$100	\$100	Per day and
15	IAC	more than				per person
16	7-3-4	10 employees.				

SECTION 39. IC 15-16-2-49.7 IS ADDED TO THE INDIANA CODE A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 49.7. For purposes of imposing civil penalties under this chapter, the state chemist shall comply with the following when determining the violation number and the count of violations:**

(1) Only violations committed within the immediate past five (5) years of the date of the violation being addressed will be considered.

(2) A person's violation numbers shall accumulate as first, second, third, and so on independently for each violation listed on the schedule.

(3) When multiple different but similar or related violations are committed by a single distinguishable act or failure to act, only one (1) of those violations may be subject to a civil penalty for that act. This subdivision is intended to avoid duplicating civil penalty assessment for violation of multiple provisions of the statute or rule that may be essentially the same or closely related. This subdivision is not intended to limit in any way civil penalty assessment for violations that are the result of more than one (1) distinguishable unrelated act or failure to act or a violation of a continuing or repetitive nature.

(4) When civil penalty assessment procedures outlined in subdivision (3) are being followed, the state chemist shall use the appropriate violation with the highest penalty listed on the

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schedule.
SECTION 40. IC 15-16-2-49.8 IS ADDED TO THE INDIANA CODE A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 49.8. (a) Except as provided in section 49.6 of this chapter, the amount of a civil penalty in section 49.6 of this chapter may be adjusted downward to reflect particular mitigating factors. Some factors that may be considered are the following:**

- (1) Good faith efforts of the violator to comply.**
- (2) Cooperation by the violator with the state chemist during the investigation process.**
- (3) The violator's history of compliance.**
- (4) The potential for damage.**
- (5) Remedial or corrective action taken by the violator.**

(b) The state chemist may subject the violator to the full amount of the nonmitigated civil penalty if the violator fails to pay the full amount of any previously mitigated civil penalty by the date prescribed by the state chemist.

SECTION 41. IC 15-16-2-50, AS AMENDED BY P.L.81-2009, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 50. (a) Except as provided in subsection (b), a political subdivision (as defined in IC 36-1-2-13) does not have authority to regulate by ordinance the storage or use of fertilizer material.**

(b) A political subdivision may, by resolution, petition the state chemist for a hearing to allow a waiver to adopt an ordinance because of special circumstances relating to the storage or use of fertilizer material. If a petition is received, the state chemist shall hold a public hearing to consider allowing the waiver requested. The public hearing must be conducted in an informal manner. IC 4-21.5 does not apply to a public hearing under this section.

(c) The petitioner in the public hearing must present evidence that supports the request for a waiver to adopt an ordinance. All evidence shall be received fourteen (14) days prior to the hearing date. The petitioner has the burden of showing the need for the requested waiver. The evidence must include the following:

- (1) A clear, detailed statement of the problem being addressed.**
- (2) The special circumstances that exist that warrant a waiver.**
- (3) The specific political entity that will be covered by the request.**
- (4) Any resources of the state that would be protected by the request, including a specific stream, river, lake, or pond.**

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- 1 (5) Current site specific scientific data, including applicable
2 soil and water tests, that support the request.
- 3 (6) Previous mitigation methods or steps implemented.
- 4 (7) Educational efforts undertaken to address the concern.
- 5 (8) A copy of the proposed ordinance.
- 6 (d) In reaching a decision to approve or deny the waiver, the
7 state chemist shall consider the following:
- 8 (1) Whether the scientific evidence supports the claims being
9 made in the petition.
- 10 (2) Whether the measures proposed in the petition will likely
11 correct the purported problem or significantly reduce
12 environmental impacts.
- 13 (3) Whether the proposed ordinance corrects the problem in
14 the narrowest scope possible.
- 15 (4) Whether the ordinance will impose an undue burden upon
16 the persons regulated.
- 17 (5) Whether scientifically based maintenance levels of
18 nutrient applications would still be allowed by the ordinance.
- 19 (6) Acceptable fertilizer management practices.
- 20 (e) The state chemist may not consider the following factors in
21 making a decision on whether to approve or deny the waiver:
- 22 (1) The economic impact.
- 23 (2) The odor.
- 24 (f) In reaching a decision on whether to approve or deny the
25 waiver, the state chemist may consult, in addition to the material
26 received from the petitioner, the following:
- 27 (1) The board.
- 28 (2) Scientifically based materials provided by the College of
29 Agriculture at Purdue University.
- 30 (3) Other sources deemed necessary by the state chemist.
- 31 The state chemist shall prepare a written decision, with stated
32 reasons, either allowing or denying the waiver within ninety (90)
33 days after review.
- 34 SECTION 42. IC 15-16-2.5 IS ADDED TO THE INDIANA CODE
35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2026]:
- 37 **Chapter 2.5. Distributors and Users of Fertilizer Material**
- 38 **Sec. 1. (a) Except as provided in subsection (b), this chapter**
39 **applies to any person that:**
- 40 (1) uses fertilizer material for hire on the property of another
41 person for purposes of producing an agricultural crop;
- 42 (2) uses organic fertilizer from a confined feeding operation

HB 1361—LS 7006/DI 150



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1 for purposes of producing an agricultural crop; or
2 (3) distributes fertilizer material directly to any person
3 described in this subsection.

4 (b) This chapter does not apply to any person that:
5 (1) uses or distributes less than ten (10) cubic yards or four
6 thousand (4,000) gallons of organic fertilizer obtained from a
7 confined feeding operation in a calendar year;
8 (2) uses biosolids, industrial waste products, and
9 pollutant-bearing water on land in Indiana that comply with
10 327 IAC 6.1; or
11 (3) distributes inorganic fertilizer to retail facilities.

12 Sec. 2. Fertilizer material used for hire on the property of
13 another person for purposes of producing an agricultural crop
14 must be used by:

15 (1) an individual who has a valid commercial applicator
16 license; or
17 (2) an individual who:
18 (A) is a trained employee; and
19 (B) is operating under the supervision of a certified
20 applicator.

21 Sec. 3. Organic fertilizer from a confined feeding operation used
22 for purposes of producing an agricultural crop must be used by:

23 (1) an individual who has a valid:
24 (A) commercial applicator license; or
25 (B) private applicator certification; or
26 (2) an individual who:
27 (A) is a trained employee; and
28 (B) is operating under the supervision of a certified
29 applicator.

30 Sec. 4. Fertilizer material distributed for the purpose of
31 producing an agricultural crop must be distributed:

32 (1) by a person that has a valid fertilizer business license; and
33 (2) to a person that has a valid:
34 (A) fertilizer business license;
35 (B) commercial applicator license; or
36 (C) private applicator certification.

37 Sec. 5. (a) Fertilizer materials covered by IC 15-16-2 and this
38 chapter may be used by a noncertified trained employee who is
39 working under the supervision of a certified applicator affiliated
40 with the person performing the use or distribution.

41 (b) The training required in this section must be:
42 (1) identified and approved by the state chemist; and

HB 1361—LS 7006/DI 150



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- 1 (2) repeated by the noncertified trained employee when that
2 individual moves from one employer to a different employer.
- 3 (c) The supervising certified applicator is responsible for the
4 following:
- 5 (1) Ensuring that the noncertified employee has received the
6 training required in this section.
- 7 (2) Keeping a record of the employee training required in this
8 section.
- 9 (3) Providing the supervised noncertified trained employee
10 with the means and instructions to:
- 11 (A) establish direct voice communication during the use or
12 distribution of fertilizer material; and
- 13 (B) immediately contact the Indiana department of
14 environmental management to report any fertilizer
15 material spill that may threaten waters of the state.
- 16 (4) Making work assignments to the supervised noncertified
17 trained employee.
- 18 (5) Knowing the status of the work assignments made to
19 supervised trained employee.
- 20 (d) A certified applicator may not supervise more than ten (10)
21 noncertified trained employees at any time.
- 22 Sec. 6. (a) An individual may become eligible to be a certified
23 applicator by passing the certification examination described in
24 subsection (b).
- 25 (b) The certification examination must be a written, closed book
26 examination developed by the state chemist. The minimum passing
27 score for the examination is seventy-five percent (75%) unless
28 another minimum passing score has been established by the state
29 chemist after consideration of the recommendations of the
30 standards committee described in subsection (c).
- 31 (c) The state chemist shall appoint a standards committee to
32 develop certification subject matter and standards for the certified
33 applicator certification examination. Members of the committee
34 include, at a minimum, individuals representing the following:
- 35 (1) The state chemist.
- 36 (2) The Purdue University cooperative extension service.
- 37 (3) The inorganic fertilizer industry.
- 38 (4) The organic fertilizer industry.
- 39 (d) A certified applicator's certification eligibility remains in
40 force from the date of completing the requirements in subsection
41 (a) through December 31 of the fourth year following the year
42 during which the requirements were met.

HB 1361—LS 7006/DI 150



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1 (e) The state chemist shall specify examination procedures that
 2 must be followed by any individual taking an examination under
 3 this section. Failure to comply with these procedures or any
 4 unauthorized assistance provided by or received by an individual
 5 during the examining period shall be cause for immediate
 6 termination of the examining process for all involved individuals
 7 and the involved individuals may not take the certified applicator
 8 examination for five (5) years.

9 Sec. 7. (a) An individual may become eligible for certified
 10 applicator certification renewal by completing one (1) of the
 11 following:

12 (1) Passing the written examination for initial certification
 13 under section 6 of this chapter.

14 (2) Accumulating at least three (3) fertilizer material
 15 continuing certification hours (CCHs) before the expiration
 16 of the individual's certification period.

17 (3) Attending at least three (3) fertilizer material private
 18 applicator recertification programs (PARPs) before the
 19 expiration of the individual's certification period.

20 (b) An individual may accumulate CCHs or PARPs only after
 21 the individual is certified.

22 (c) An individual may accumulate a maximum of two (2)
 23 fertilizer material CCH or PARP credits in any one (1) year of the
 24 individual's five (5) year certification period.

25 (d) Credit for accumulating in excess of three (3) fertilizer
 26 material CCH or PARP credits do not carry forward to the next
 27 certification period.

28 (e) Eligibility for renewed certified applicator certification
 29 remains in force through December 31 of the fifth year following
 30 renewal unless the individual's certification is revoked or
 31 suspended before that date.

32 Sec. 8. (a) The state chemist is responsible for evaluating all
 33 instruction and training opportunities submitted for consideration
 34 of approval for CCH and PARP credits.

35 (b) Training and instruction may be evaluated and approved for
 36 both CCH and PARP credits.

37 (c) All requests for CCH or PARP approval by the state chemist
 38 must be submitted as follows:

39 (1) At least twenty-one (21) days before the date that the
 40 instruction or training event will occur.

41 (2) In a format determined by the state chemist.

42 (3) By an individual directly responsible for the CCH

HB 1361—LS 7006/DI 150



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1 instruction or training event.

2 (4) By the county extension educator with the Purdue
3 Cooperative Extension Service for the PARP instruction or
4 training.

5 (d) The state chemist shall use the following criteria to evaluate
6 and approve the instruction and training events for CCH and
7 PARP:

8 (1) The event must be open to all certified applicators.

9 (2) Except as provided in subdivision (3), any costs or
10 participation fees to cover expenses incurred by the training
11 providers must be the same for all certified applicators
12 attending.

13 (3) Professional educational organizations claiming Internal
14 Revenue Service 501(c) status and governmental
15 organizations may charge variable participation fees.

16 (4) The event may not be in-house training.

17 (5) The venue must be large enough to accommodate a
18 reasonable number of certified applicators from outside the
19 immediate organization facilitating the instruction or
20 training.

21 (6) The event must be open without fee or charge to the state
22 chemist for monitoring.

23 (7) The event must have an effective mechanism for the
24 person responsible for the training to verify participation of
25 each certified applicator from the start to the conclusion of
26 the CCH or PARP event.

27 (8) The event must include at least one (1) state chemist
28 approved regulatory topic.

29 (9) Subject matter and content must include at least one (1) of
30 the following:

31 (A) Fertilizer material storage.

32 (B) Fertilizer material chemistry.

33 (C) Fertilizer material equipment calibration and
34 maintenance.

35 (D) Fertilizer material use.

36 (E) Fertilizer material transportation.

37 (F) Fertilizer material application development and
38 implementation.

39 (G) Spill response procedures.

40 (H) Public and customer safety.

41 (I) Public and customer concerns.

42 (J) Applicator safety.

HB 1361—LS 7006/DI 150



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- 1 **(K) Environmental safety.**
- 2 **(L) Environmental issues.**
- 3 **(M) Employee training.**
- 4 **(N) Associated state and federal laws or regulations**
- 5 **affecting fertilizer materials or fertilizer material**
- 6 **applicators.**
- 7 **(10) Subject matter and content may not include any of the**
- 8 **following:**
- 9 **(A) Product or service sales or promotions.**
- 10 **(B) Employee hiring or retention.**
- 11 **(C) General business practices.**

12 **Sec. 9. (a) A certified applicator who makes a false or fraudulent**
 13 **report or in any way misrepresents the applicator's participation**
 14 **in the certification renewal process is subject to the following:**

- 15 **(1) Revocation of all accumulated CCH and PARP credits to**
- 16 **date.**
- 17 **(2) The penalties allowed under IC 15-16-2-49.5.**

18 **(b) A person who makes a false or fraudulent report or in any**
 19 **way misrepresents information that is part of the certification**
 20 **renewal process is subject to the following:**

- 21 **(1) Revocation of authority and privilege to participate in any**
- 22 **future CCH or PARP events.**
- 23 **(2) The penalties allowed under IC 15-16-2-49.5.**

24 **Sec. 10. (a) A person applying for a fertilizer business license**
 25 **must submit the following:**

- 26 **(1) An application to the state chemist on a form provided by**
- 27 **the state chemist.**
- 28 **(2) Except for a person that has paid a pesticide fee under**
- 29 **IC 15-16-5-48 for the current year, a fee of forty-five dollars**
- 30 **(\$45) to the state chemist.**

31 **(b) An individual applying for a commercial applicator license**
 32 **must do the following:**

- 33 **(1) Meet the certification standards described in section 6(a)**
- 34 **of this chapter.**
- 35 **(2) Submit an application to the state chemist on a form**
- 36 **provided by the state chemist.**
- 37 **(3) Except for a person who has paid a pesticide commercial**
- 38 **applicator license fee under IC 15-16-5-52 for the current**
- 39 **year, submit a fee of forty-five dollars (\$45) to the state**
- 40 **chemist.**

41 **(c) An individual applying for a private applicator certification**
 42 **credential must do the following:**

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- 1 (1) Meet the certification standards described in section 6(a)
2 of this chapter.
- 3 (2) Submit an application to the state chemist on a form
4 provided by the state chemist.
- 5 (3) Except for a person who has paid a pesticide private
6 applicator permit fee under IC 15-16-5-54 for the current
7 certification period, submit a fee of twenty dollars (\$20) to the
8 state chemist.
- 9 (d) If the state chemist does not issue a license or certification to
10 a person who applied for a license or certification described under
11 this chapter, the state chemist shall inform the person in writing of
12 the reason the license or certification was not issued.
- 13 (e) A person who has been issued a license or certification under
14 this chapter:
- 15 (1) shall notify the state chemist in writing within ten (10)
16 days after a change in or termination of the person's
17 employment or status as a licensed or certified applicator;
18 and
- 19 (2) may apply to the state chemist to transfer or amend the
20 person's license or certification by submitting an updated
21 application form described in this section.
- 22 (f) A license issued under subsection (a) or (b) expires on
23 January 1 of each year.
- 24 (g) A certification issued under subsection (c) expires on
25 January 1 of the fifth year following the year of issuance.
- 26 Sec. 11. A person who:
- 27 (1) is required to pay a fee under this chapter to the state
28 chemist; and
- 29 (2) does not pay the fee by the date the fee is due;
- 30 shall pay a penalty fee to the state chemist equal to one hundred
31 percent (100%) of the required fee at the time the person pays the
32 required fee.
- 33 Sec. 12. The state chemist may adopt rules under IC 4-22-2
34 concerning the following:
- 35 (1) Subject to section 13 of this chapter, the establishment of
36 certification and educational programs, as determined by the
37 state chemist, relating to the application of fertilizer material,
38 the transportation of fertilizer material, or both for the
39 following:
- 40 (A) Persons who apply fertilizer material for hire,
41 transport fertilizer material for hire, or both.
- 42 (B) Persons who apply fertilizer material, transport

HB 1361—LS 7006/DI 150



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1 fertilizer material, or both from confined feeding
 2 operations.
 3 (2) The establishment of fees for the certification and
 4 educational programs established under subdivision (1).
 5 Sec. 13. The state chemist may waive all or part of the licensure
 6 and certification requirements established under section 10 of this
 7 chapter on a reciprocal basis with any state agency or federal
 8 agency that has substantially the same certification standards.
 9 Sec. 14. (a) Any fees collected for certification or educational
 10 programs under this chapter shall be collected by the state chemist
 11 and deposited with the treasurer of Purdue University and must be
 12 used to pay all necessary expenses incurred in carrying out and
 13 administering the certification and educational programs.
 14 (b) The fees deposited under this section must be included in the
 15 annual report prepared under IC 15-16-2-44.5(c).
 16 SECTION 43. IC 15-16-2.7 IS ADDED TO THE INDIANA CODE
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2026]:
 19 Chapter 2.7. Distributors and Users of Fertilizer Material for
 20 Agricultural Crops
 21 Sec. 1. (a) Nothing in this chapter impairs any authority granted
 22 to the Indiana department of environmental management under
 23 IC 13-13-5-1(1).
 24 (b) Except as provided in subsection (c), this chapter applies to
 25 any person that:
 26 (1) uses; or
 27 (2) distributes;
 28 fertilizer material for the purposes of producing an agricultural
 29 crop.
 30 (c) This chapter does not apply to any person that uses or
 31 distributes less than ten (10) cubic yards or four thousand (4,000)
 32 gallons of fertilizer material in a calendar year.
 33 (d) This chapter is in addition to any rules passed by the water
 34 pollution control board regulating confined feeding operations. To
 35 the extent that provisions of those rules require conditions or
 36 actions that are more stringent than any of the provisions in this
 37 chapter, operations that have a confined feeding operation or a
 38 National Pollutant Discharge Elimination System (NPDES) permit
 39 approval must comply with the more stringent provision.
 40 Compliance with the more stringent provision satisfies the similar
 41 requirement of this chapter.
 42 Sec. 2. A person applying fertilizer material for the purposes of

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HB 1361—LS 7006/DI 150



1 producing an agricultural crop shall:

- 2 (1) develop a fertilizer application plan before applying
- 3 fertilizer material;
- 4 (2) apply fertilizer material in accordance with the fertilizer
- 5 application plan for the target application site;
- 6 (3) not apply fertilizer material directly to surface water;
- 7 (4) not apply fertilizer material to saturated ground; and
- 8 (5) not apply fertilizer material from a public road.

9 Sec. 3. (a) Unless there is a gradient barrier and a minimum
 10 setback of ten (10) feet or a filter strip with a minimum width of
 11 fifty (50) feet located between the application site and any of the
 12 known features in the following table, a person shall apply
 13 unmanipulated organic fertilizer according to the setback distances
 14 as follows:

15 **Unmanipulated Organic Fertilizer Application Setback Distances**

16 <

17 > (in feet)

18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42	Known Feature	Liquid – Injection or Single Pass Incorporation (liquid/solid)	Liquid – Incorporation; Surface Application (solid or compost); or Surface Application to Pasture	Liquid – Surface Application	
				< 6% Slope; or Residue Cover	>6% Slope
Public Water Supply Wells and Surface Intake	500	500	500	500	500
Surface Waters	25	50	100	200	
Sinkholes	25	50	100	200	
Water Wells	50	50	100	200	
Drainage Inlets	5	50	100	200	
Property	0	10	50	50	

HB 1361—LS 7006/DI 150



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1 **Lines and**
 2 **Public**
 3 **Roads**

4 (b) All setback distances described in the table under subsection
 5 (a) shall be measured from the edge of the area of actual
 6 application of unmanipulated organic fertilizer on the ground.

7 (c) The term "liquid incorporation", as used in the table under
 8 subsection (a), means only unmanipulated organic fertilizer that
 9 has been incorporated into the soil within twenty-four (24) hours
 10 of application.

11 **Sec. 4. A person may not apply unmanipulated organic fertilizer**
 12 **to highly erodible land, unless the land has:**

- 13 (1) at least forty percent (40%) crop residue; or
 14 (2) a vegetative cover crop.

15 **Sec. 5. (a) Except as provided in subsection (b), a person may**
 16 **not apply unmanipulated organic fertilizer to frozen or snow**
 17 **covered ground as follows:**

- 18 (1) Within two hundred (200) feet of surface water.
 19 (2) Within a floodway.
 20 (3) In an amount that exceeds fifty percent (50%) of the
 21 agronomic rate for the planned crop.
 22 (4) With greater than two percent (2%) slope unless the
 23 ground has:
 24 (A) at least forty percent (40%) crop residue; or
 25 (B) a vegetative cover crop.

26 (b) A person is not prohibited from applying unmanipulated
 27 organic fertilizer under this section if the unmanipulated organic
 28 fertilizer is applied by means of injection or same day
 29 incorporation.

30 **Sec. 6. A person who applies unmanipulated organic fertilizer**
 31 **shall do the following:**

- 32 (1) For the twenty-four (24) hour period immediately before
 33 the application, monitor application site soil conditions and
 34 the weather forecast for predicted rain events to ensure that
 35 fertilizer runoff does not occur.
 36 (2) During and immediately following the application,
 37 monitor the application site effluent from field tile outlets and
 38 surface water conveyance channels for a change of:
 39 (A) color;
 40 (B) flow; or
 41 (C) volume.
 42 (3) If there is a change to the effluent caused by the

HB 1361—LS 7006/DI 150



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- 1 application:
- 2 (A) stop the application immediately;
- 3 (B) stop or capture the effluent; and
- 4 (C) land apply or store the effluent.
- 5 Sec. 7. A person may not stage inorganic fertilizer as follows:
- 6 (1) Within three hundred (300) feet of:
- 7 (A) surface waters;
- 8 (B) drainage inlets; or
- 9 (C) water wells.
- 10 (2) In standing water, a waterway (as defined in
- 11 IC 13-11-2-265.2), or a floodway.
- 12 (3) For more than seventy-two (72) hours unless the fertilizer
- 13 is as follows:
- 14 (A) Covered with a tarpaulin or other suitable covering.
- 15 (B) Applied to a target field within thirty (30) days.
- 16 Sec. 8. (a) A person may not stage organic fertilizer:
- 17 (1) within three hundred (300) feet of surface waters, drainage
- 18 inlets, or water wells unless there is a:
- 19 (A) cover; or
- 20 (B) gradient barrier that contains or directs any organic
- 21 fertilizer away from the surface waters, drainage inlets,
- 22 and water wells;
- 23 (2) on an area with a slope greater than six percent (6%)
- 24 unless run-on and runoff are controlled; or
- 25 (3) on any standing water, waterway (as defined in
- 26 IC 13-11-2-265.2), or floodway.
- 27 (b) Organic fertilizer that is staged for more than seventy-two
- 28 (72) hours must be:
- 29 (1) protected by a:
- 30 (A) cover; or
- 31 (B) gradient barrier;
- 32 (2) applied within ~~ninety~~ one hundred twenty (~~90~~ 120)
- 33 days;
- 34 (3) set back from property lines one hundred (100) feet;
- 35 (4) set back from public roads one hundred (100) feet; and
- 36 (5) set back from residential buildings four hundred (400)
- 37 feet.
- 38 Sec. 9. (a) A person required to be licensed under IC 15-16-2.5
- 39 that distributes organic fertilizer material as described in
- 40 IC 15-16-2.5-4 shall keep and maintain records of each
- 41 distribution.
- 42 (b) The records required under subsection (a) include the

HB 1361—LS 7006/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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- 1 following:
- 2 (1) The name of the certified applicator accepting receipt of
- 3 the organic fertilizer.
- 4 (2) The certification number of the certified applicator.
- 5 (3) The amount of fertilizer distributed.
- 6 (4) The representative nutrient value or values of the organic
- 7 fertilizer.
- 8 (5) The month, day, and year of distribution.
- 9 Sec. 10. (a) A person required to be licensed under IC 15-16-2.5
- 10 who applies:
- 11 (1) fertilizer material as described in IC 15-16-2.5-2; or
- 12 (2) organic fertilizer as described in IC 15-16-2.5-3;
- 13 must keep and maintain records of all fertilizer material and
- 14 organic fertilizer applications.
- 15 (b) The records required under subsection (a) must include the
- 16 following:
- 17 (1) The address or location description of the application site.
- 18 (2) The name of the certified applicator making or supervising
- 19 the application.
- 20 (3) The certification number of the certified applicator.
- 21 (4) The rate applied.
- 22 (5) The representative nutrient value or values of the fertilizer
- 23 material.
- 24 (6) The type of fertilizer material applied.
- 25 (7) The method of fertilizer application.
- 26 (8) The month, date, and year of application.
- 27 Sec. 11. All records required under this chapter must be:
- 28 (1) kept and maintained for two (2) years; and
- 29 (2) made available for inspection or copying within thirty (30)
- 30 days of written or oral request by the state chemist.
- 31 SECTION 44. IC 15-16-3-2, AS ADDED BY P.L.2-2008,
- 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2026]: Sec. 2. The definitions in ~~IC 15-16-2~~ IC 15-16-1.5[
- 34] apply throughout this chapter.
- 35 SECTION 45. IC 15-16-3-3 IS REPEALED [EFFECTIVE JULY 1,
- 36 2026]. Sec. 3. As used in this chapter, "label" means:
- 37 (1) written material;
- 38 (2) printed material;
- 39 (3) graphic material; or
- 40 (4) any other statement;
- 41 accompanying a fertilizer.
- 42 SECTION 46. IC 15-16-3-4 IS REPEALED [EFFECTIVE JULY 1,

HB 1361—LS 7006/DI 150



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2026]. Sec. 4: As used in this chapter, "lawn care service" means service provided to private, institutional, or commercial entities for compensation to maintain and nourish:

- (1) turf;
- (2) shrubbery;
- (3) trees; and
- (4) other plants;

commonly associated with private, institutional, or commercial lawns. The term includes the application of commercial fertilizer individually or in combination with a pesticide (as defined in IC 15-16-4-30).

SECTION 47. IC 15-16-3-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 5: As used in this chapter, "licensee" means a person who has been issued a license under this chapter.

SECTION 48. IC 15-16-3-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 6: As used in this chapter, "tank mixed liquid fertilizer" means a fluid mixture of commercial fertilizer and water in which the total nutrient content of the mixture does not exceed the amount determined under rules adopted by the state chemist under IC 4-22-2 in accordance with current practices of the lawn care service industry.

SECTION 49. IC 15-16-3-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 21. In accordance with current practices of the lawn care service industry, the state chemist may adopt rules under IC 4-22-2 to determine the maximum total nutrient content of mixed liquid fertilizer.**

SECTION 50. IC 15-16-3.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 3.3. Storage and Containment

Sec. 1. (a) Storage containers and appurtenances must be constructed, installed, and maintained to prevent the discharge or spill of fluid fertilizer.

(b) Storage containers and appurtenances must be constructed of materials that are resistant to corrosion, puncture, or cracking.

(c) Materials used in the construction or repair of storage containers and appurtenances may not be of a type that react chemically or electrolytically with stored fluid fertilizer in a way that may weaken the storage container or appurtenances or create a risk of discharge or spill.

(d) Metals used for valves, fittings, and repairs on metal containers must be compatible with the metals used in the construction of the storage container so that the combination of

HB 1361—LS 7006/DI 150



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1 metals does not cause or increase corrosion that may weaken the
2 storage container or its appurtenances or create a risk of discharge
3 or spill.

4 (e) Storage containers and appurtenances must be designed to
5 handle all operating stresses, taking into account static head,
6 pressure buildup from pumps and compressors, and any other
7 mechanical stresses to which the storage containers and
8 appurtenances may be subject in the foreseeable course of
9 operations.

10 Sec. 2. A person may not store fluid fertilizer in an underground
11 or lined pit storage container. This prohibition does not apply to
12 the following:

13 (1) A watertight catch basin used for the temporary collection
14 of runoff or rinsate from transfer and loading areas.

15 (2) Storage in:

16 (A) a "316" or "317" stainless steel storage container; or

17 (B) a container approved by the state chemist, if:

18 (i) the storage container is enclosed within an approved
19 liner; and

20 (ii) an approved program of ground water monitoring to
21 detect leakage is established.

22 Sec. 3. (a) A storage container and other containers used at a
23 storage facility to hold liquid bulk fertilizer or fertilizer rinsate are
24 considered abandoned if the container has been out of service for
25 more than six (6) months because of a weakness or leak or has been
26 out of service for any reason for more than two (2) years.

27 (b) An abandoned underground container, including an
28 abandoned underground catch basin, must be thoroughly cleaned
29 and removed from the ground or thoroughly cleaned and filled
30 with an inert solid. All connections and vents must be disconnected
31 and sealed. A record of the catch basin size, location, and method
32 of closing must be maintained at the storage facility or as otherwise
33 provided for in this chapter.

34 (c) An abandoned aboveground container must be thoroughly
35 cleaned. All hatches on the containers must be left open, and all
36 valves or connections must be severed and left open.

37 (d) A secondary containment facility is not considered
38 abandoned because there have been no discharges into the
39 secondary containment facility.

40 Sec. 4. (a) Storage containers and appurtenances may not be
41 constructed of copper, brass, zinc, or copper base alloys.

42 (b) A storage container and appurtenances used for the storage

HB 1361—LS 7006/DI 150



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1 of fluid fertilizers containing phosphates or chlorides may not be
2 constructed of aluminum or aluminum alloys.

3 (c) A storage container and appurtenances used for the storage
4 of low (less than five (5)) pH fluid fertilizers may not be
5 constructed of ferrous materials other than "316" or "317"
6 stainless steel unless the materials are coated or treated with a
7 protective substance that is adequate to inhibit corrosion.

8 (d) A storage container and appurtenances used for the storage
9 of low pressure nitrogen solutions may not be constructed of mild
10 steel, fiberglass, polyolefins, or plastic. However, this prohibition
11 does not extend to nonpressure nitrogen solutions, commonly
12 referred to as twenty-eight percent (28%), thirty percent (30%), or
13 thirty-two percent (32%) nitrogen solutions. The prohibition
14 against the use of mild steel does not extend to aqua ammonia.

15 (e) A storage container and appurtenances used for the storage
16 of phosphoric acid may not be constructed of ferrous materials
17 other than "316" or "317" stainless steel unless the container is
18 lined with a suitable substance to prevent corrosion.

19 (f) A storage container and appurtenances used for the storage
20 of fluid fertilizers containing potassium chloride (muriate of
21 potash) may not be constructed of ferrous materials other than
22 stainless steel unless the container and appurtenances are:

23 (1) coated or treated with a protective substance that is
24 adequate to inhibit corrosion; or

25 (2) used for storage periods of not more than six (6) months
26 each and are completely emptied between storage periods,
27 cleaned, and inspected for leaks before being refilled for any
28 subsequent period.

29 Sec. 5. (a) A storage container must be anchored, as necessary,
30 to prevent flotation or instability that may occur as a result of
31 liquid accumulations within a secondary containment facility
32 constructed in accordance with this chapter.

33 (b) In addition to other means approved by the state chemist, a
34 container is assumed to be anchored if product is contained and
35 maintained within the storage container at least to the height of the
36 secondary containment walls.

37 Sec. 6. (a) A storage container and appurtenances must be
38 secured to provide reasonable protection from wildlife, vandalism,
39 and unauthorized access. The security must be provided by
40 fencing, lighting, or other means approved by the state chemist.

41 (b) Except for valves on empty containers or when a person
42 responsible for facility security is present at the facility:

HB 1361—LS 7006/DI 150



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- 1 (1) valves on storage containers; and
 2 (2) valves on mobile fertilizer containers at a storage facility;
 3 must be locked or secured.

4 **Sec. 7.** A storage container may not be filled beyond the capacity
 5 for which the container is designed, taking into account the density
 6 of the fluid being stored and thermal expansion during storage.

7 **Sec. 8.** Pipes and fittings must be adequately supported to
 8 prevent sagging and possible breakage because of gravity and
 9 other forces that may be encountered in the ordinary course of
 10 operations. Except for an American National Standards Institute
 11 (ANSI) Schedule 80 pipe or a pipe with a greater wall thickness or
 12 hoses and piping made of stainless steel, all hoses and piping must
 13 be located in a contained area or double sleeved. Underground
 14 piping is permitted if the piping is:

- 15 (1) made of stainless steel;
 16 (2) enclosed in secondary containment (a pipe within a pipe);
 17 or
 18 (3) hydrostatically tested annually.

19 **Sec. 9. (a)** Every storage container must be equipped with a
 20 liquid level gauging device by which the level of fluid in the storage
 21 container can be readily and safely determined.

22 (b) A liquid level gauging device is not required if the level of
 23 fluid in a storage container can be readily and reliably measured
 24 by other means approved by the state chemist.

25 (c) Liquid level gauging devices must be designed, installed, and
 26 secured, in a safe manner, to protect against breakage or
 27 vandalism that may result in a discharge or spill.

28 (d) External sight gauges are prohibited unless the gauge is
 29 securely attached against the container wall and provided with a
 30 manually operated shut off valve which is locked in the shut off
 31 position at all times the level of fluid is not being measured.

32 **Sec. 10.** Except for the net weight of contents, every storage
 33 container must be clearly and prominently labeled to identify the
 34 container's fertilizer contents as provided in IC 15-16-2-32.

35 **Sec. 11.** Storage containers and appurtenances must be
 36 maintained to minimize the risk of a discharge or spill.

37 **Sec. 12. (a)** This section does not apply to mobile containers used
 38 to nurse field operations when at a field unloading site.

39 (b) An area used for the loading of fluid fertilizer into a storage
 40 container or for unloading fluid fertilizer from a storage container
 41 into a mobile container must be curbed and paved with reinforced
 42 concrete or other suitable material that provides an impervious

HB 1361—LS 7006/DI 150



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1 surface and is approved by the state chemist. All activities at the
2 fluid fertilizer storage facility must be carried out within this area.

3 (c) The operational area containment must be constructed and
4 reinforced to support at least the foreseeable maximum gross load,
5 including the following:

- 6 (1) The product.
- 7 (2) Equipment that utilizes the operational area.
- 8 (3) The mobile container.
- 9 (4) The motor vehicle.

10 The curbed and paved area must have a minimum width of ten (10)
11 feet, a minimum length of twenty (20) feet, and a minimum
12 capacity of at least seven hundred fifty (750) gallons of discharged
13 fluids. Any fill or unloading point of the mobile container must be
14 positioned over the paved area during loading or unloading.

15 (d) With the exception of secondary containment areas lined
16 with synthetic or soil liners, and wherever sufficient capacity
17 required in section 13(c) of this chapter and this chapter are
18 complied with, the secondary containment area described in
19 sections 13 through 23 of this chapter may be designed for and
20 jointly used instead of a separate operational area containment.

21 (e) An operational area may not have a relief outlet or valve.
22 The base must slope to a collecting spot where liquid can be
23 discharged, by a manually activated pump, for use in the blending
24 process or for proper disposal in accordance with all applicable
25 regulations.

26 (f) All liquids must be promptly removed or recovered from the
27 operational area containment so that the capacity required in
28 subsection (c) is available at all times when operations are taking
29 place.

30 (g) Storage containers and appurtenances must be protected
31 against reasonably foreseeable risks of damage by vehicles
32 operating in the area.

33 (h) Alternative means, including portable operational area
34 containment systems meeting the capacity requirement, may be
35 permitted with prior approval by the state chemist.

36 (i) Operational area containment must be maintained, as
37 necessary, to assure compliance with this chapter.

38 Sec. 13. (a) Fluid fertilizer storage containers must be located
39 within secondary containment constructed with a base, perimeter
40 wall, and sloped floor. However, an exception for the sloped floor
41 requirement may be granted by the state chemist.

42 (b) The containment area must be separate from a secondary

HB 1361—LS 7006/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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1 containment area for other materials and used only for
 2 containment of fluid fertilizer containers or other fertilizer related
 3 equipment. This subsection does not prohibit the storage within the
 4 diked area of anhydrous ammonia when stored in compliance with
 5 rules adopted under IC 15-16-1. Adjoining secondary containment
 6 areas may share common walls.

7 (c) Secondary containment not protected from rainfall must at
 8 all times have a minimum capacity of one hundred percent (100%)
 9 of the volume of the largest storage container within the contained
 10 area plus the volume displaced by all the other tanks, equipment,
 11 and appurtenances in the area up to the safe design level of the
 12 containment structure plus a freeboard of six (6) inches.

13 (d) Secondary containment protected from rainfall is not
 14 required to have the freeboard required in subsection (c) but must
 15 comply with all other requirements of this chapter.

16 (e) A secondary containment constructed before July 6, 1991,
 17 and having a capacity of a minimum of one hundred ten percent
 18 (110%) of the volume of the largest storage container within the
 19 contained area plus the volume displaced by all the other tanks in
 20 the area up to the safe design level of the containment structure are
 21 deemed to be in compliance with this chapter. Any such storage
 22 facility that alters the secondary containment area or increases in
 23 storage container volume must be brought into full compliance
 24 within ninety (90) days of an alteration to the secondary
 25 containment area or increase in the storage container volume.

26 (f) Tile drainage is not be permitted within or under secondary
 27 containment.

28 (g) Alternative means of secondary containment, with prior
 29 approval of the state chemist, may be permitted.

30 Sec. 14. (a) The walls of a secondary containment facility must
 31 be:

32 (1) constructed of earth, steel, concrete (precasted modules or
 33 poured), or solid masonry; and

34 (2) designed to withstand a full hydrostatic head of any
 35 discharged liquid and weight load of material used in
 36 construction.

37 (b) Cracks and seams must be sealed to prevent leakage.

38 (c) Walls constructed of earth or other permeable materials
 39 must be lined as provided under sections 15 through 19 of this
 40 chapter.

41 (d) Earthen walls must have a horizontal-to-vertical slope
 42 consistent with good engineering practice. All interior slopes must

HB 1361—LS 7006/DI 150



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- 1 be protected with:
- 2 (1) flat road stone or a similar crushed stone material; or
- 3 (2) a minimum of six (6) inches of vegetative soils planted and
- 4 maintained with shallow rooted grasses.
- 5 (e) The top of earthen walls must be no less than two and
- 6 one-half (2.5) feet wide.
- 7 (f) Walls may not exceed six (6) feet in height above interior
- 8 grade unless provisions are made for:
- 9 (1) normal access and necessary emergency access to storage
- 10 containers, valves, and other equipment; and
- 11 (2) safe exit from secondary containment.
- 12 (g) Walls constructed of concrete or solid masonry must rest
- 13 upon:
- 14 (1) a floating base of concrete prepared to conform with
- 15 section 16 of this chapter; or
- 16 (2) suitable concrete footings that extend below the average
- 17 frost depth.
- 18 **Joints between walls and base must be made watertight.**
- 19 **Sec. 15. The base of a secondary containment facility and any**
- 20 **earthen walls must be lined with:**
- 21 (1) concrete;
- 22 (2) steel;
- 23 (3) a synthetic liner approved by the state chemist; or
- 24 (4) a clay soil liner.
- 25 **Sec. 16. Concrete liners must be designed according to good**
- 26 **engineering practices to withstand any foreseeable loading**
- 27 **conditions, including a full hydrostatic head of discharged fluid**
- 28 **and static loads of storage containers, including appurtenances,**
- 29 **equipment, and contents. Cracks and seams must be sealed.**
- 30 **Sec. 17. Steel plates may be used for wall and base liners.**
- 31 **Installation plans must be approved by the state chemist, who shall**
- 32 **require that the plates are protected against corrosion and are**
- 33 **joined in a manner as to provide watertight joints.**
- 34 **Sec. 18. (a) Synthetic liners and installation plans must be**
- 35 **approved by the state chemist. The installation plan must address**
- 36 **proposed protection of the synthetic liner from mechanical**
- 37 **damage, vandalism, wildlife, and deterioration from exposure to**
- 38 **the sun according to the manufacturer's recommendations. A**
- 39 **synthetic liner may not be approved by the state chemist until the**
- 40 **manufacturer of the liner provides a written confirmation of**
- 41 **compatibility and estimate of the life of the liner.**
- 42 (b) Synthetic liners must have a minimum thickness of thirty

HB 1361—LS 7006/DI 150



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1 (30) mils (eight-tenths (0.8) millimeters) and be chemically
2 compatible with the materials being stored within the containment
3 areas.

4 (c) Synthetic liners must be installed under the supervision of a
5 qualified representative of the manufacturer, and all field
6 constructed seams must be tested and repaired according to the
7 manufacturer's recommendations.

8 **Sec. 19.** Before a soil liner is installed, the surface soil must be
9 sealed, including the berm of an earthen dike, with a sealing agent
10 such as sodium bentonite, attapulgite, or a similar cohesive
11 material, including clay. The soil liner must be constructed in
12 accordance with reliable engineering recommendations to establish
13 a barrier layer that results in a downward water movement of not
14 greater than one-millionth of one centimeter per second (1.0×10^{-6}
15 cm/sec) at construction and maintained at one hundred thousandth
16 of a centimeter per second (1.0×10^{-5} cm/sec) with a thickness of
17 not less than six (6) inches. The soil liner must be protected based
18 upon reliable engineering practices to maintain its integrity and
19 performance. If heavy mechanized equipment is to be moved over
20 the walls or floor liner, protection to the secondary containment
21 must be provided.

22 **Sec. 20. (a)** A liner is not required to be installed directly under
23 a storage container having a capacity of one hundred thousand
24 (100,000) gallons or more that has been constructed onsite and put
25 into use before July 6, 1991, if one (1) of the following alternative
26 procedures are complied with, certified to in writing by an official
27 of the company that owns the container, and the certificate is filed
28 with the state chemist:

29 (1) Alternative 1 must meet the following requirements:

30 (A) A second bottom made of steel must be constructed for
31 the storage container and placed over the original bottom
32 and a layer of smooth, fine gravel or coarse sand having a
33 minimum thickness of six (6) inches.

34 (B) The original bottom of the storage container must be
35 tested for leaks before the sand layer or second bottom is
36 installed. A record of the test must be kept on file at the
37 storage facility.

38 (C) The newly constructed bottom must be tested for leaks
39 before any fluid fertilizer is stored on the newly
40 constructed bottom. A record of the test must be kept on
41 file at the storage facility or at the nearest local office from
42 which the storage facility is administered.

HB 1361—LS 7006/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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- 1 (D) There must be a method by which leaks from the newly
 2 constructed bottom into the sand layer may readily be
 3 detected.
- 4 (E) The newly constructed bottom must be tested at least
 5 once every five (5) years for leaks. A record of the tests
 6 must be kept at the storage facility.
- 7 (2) Alternative 2 must meet the following requirements:
- 8 (A) The container must be emptied, cleaned, and tested for
 9 leaks. The walls and floor of the container must be tested
 10 to assure that welds and thickness of steel plates are sound
 11 and adequate to contain the fertilizers. A record of the
 12 inspection, test results, and any repairs made must be
 13 submitted to the state chemist and maintained by the
 14 owner or operator.
- 15 (B) The interior floor and at least twelve (12) inches of the
 16 wall areas of the container above the floor must be coated
 17 with a liner approved by the state chemist to inhibit
 18 corrosion. A record of this procedure must be submitted to
 19 the state chemist and maintained by the owner or operator.
- 20 (C) A test for leaks, approved by the state chemist, must be
 21 conducted every five (5) years thereafter. A record of the
 22 test findings and indicated repairs and maintenance must
 23 be maintained by the owner or operator.
- 24 (3) Alternative 3 must meet the following requirements:
- 25 (A) Monitoring devices must be installed in angled borings
 26 in the unsaturated earth materials under each tank. These
 27 monitoring devices must constitute a leak detection system
 28 for each tank in advance of the point at which any leak
 29 would reach ground water.
- 30 (B) The number, length, and depth of each boring must be
 31 determined on the basis of site characteristics. The array
 32 of monitoring devices under each tank must constitute the
 33 best practical early warning detection system for tank
 34 leakage.
- 35 (C) Each monitoring plan under this alternative must be
 36 implemented only upon review and approval of the state
 37 chemist.
- 38 (b) The secondary containment requirements under this chapter
 39 do not apply to rail cars that are periodically moved to and from
 40 the storage facility.
- 41 (c) The state chemist may recognize other methods that provide
 42 equivalent protection to the requirements under this chapter.

HB 1361—LS 7006/DI 150



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1 **Sec. 21. (a) Individual storage containers not exceeding three**
 2 **thousand (3,000) gallons may be contained within a secondary**
 3 **storage container elephant ring instead of a diked containment**
 4 **area.**

5 **(b) Both the primary storage container and the elephant ring**
 6 **must be fabricated of material compatible with:**

- 7 **(1) each other; and**
 8 **(2) the fertilizer being stored.**

9 **(c) The height of the elephant ring wall may not exceed four (4)**
 10 **feet. The volume contained within the secondary storage walls up**
 11 **to the working height of the elephant ring must be sufficient to**
 12 **contain a volume equal to the volume contained in the primary**
 13 **storage container plus the volume displaced by any equipment,**
 14 **including pumps and meters, placed within the secondary**
 15 **containment vessel up to the safe storage level of the elephant ring,**
 16 **plus a freeboard of six (6) inches, which freeboard is exempted if**
 17 **the containment system is protected from rainfall.**

18 **(d) The elephant ring must be free of leaks and structural**
 19 **defects. The base must be:**

- 20 **(1) protected from corrosion, both from inside and outside;**
 21 **and**
 22 **(2) designed according to good engineering practices.**

23 **(e) All piping connections to the primary storage container must**
 24 **be:**

- 25 **(1) made over the wall of the elephant ring; and**
 26 **(2) adequately supported and braced.**

27 **Pumps and other fixtures, if located within the elephant ring**
 28 **containment structure, must be placed on an elevated platform.**

29 **(f) Accumulations of liquids must be drained from the elephant**
 30 **ring over the wall of the container by means of a manually**
 31 **operated pump for use in the blending process or for proper**
 32 **disposal in accordance with all applicable laws.**

33 **(g) An elephant ring must be maintained as necessary to assure**
 34 **compliance with this chapter.**

35 **Sec. 22. (a) A secondary containment area may not have a relief**
 36 **outlet or valve. The base must slope to a collecting spot where**
 37 **liquid can be discharged, by a manually activated pump, for use in**
 38 **the blending process or for proper disposal in accordance with all**
 39 **applicable laws.**

40 **(b) Accumulated liquids in the secondary containment area**
 41 **must be promptly removed from the secondary containment area.**

42 **Sec. 23. (a) Secondary containment must be maintained as**

HB 1361—LS 7006/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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1 necessary to assure compliance with this chapter.

2 (b) All secondary containment areas must be maintained free of
3 debris and foreign matter.

4 Sec. 24. (a) Dry bulk fertilizer, stored indoors, must be in a
5 sound structure having a cover or roof top, sidewalls, and an
6 impervious base sufficient to prevent contact with precipitation
7 and surface waters. Temporary outdoor storage must be allowed
8 for a maximum of thirty (30) days. However, material must be
9 covered with a tarpaulin, or other suitable covering, to prevent
10 seepage of runoff.

11 (b) All loading, unloading, mixing, and handling of dry bulk
12 fertilizer must be performed over an impervious surface that
13 allows for recovery of discharged product unless performed at a
14 field unloading site. Fertilizer that is discharged must be promptly
15 recovered.

16 Sec. 25. The storage facility must notify the state chemist each
17 year of the facility's location and status. Notice must include the
18 following:

- 19 (1) Facility's mailing address.
- 20 (2) Owner or manager.
- 21 (3) Type of facility.
- 22 (4) Rated or calculated capacity of all bulk tanks and dry
23 storage units.
- 24 (5) Facility's physical location.

25 Notice must be made upon forms furnished by the state chemist.

26 SECTION 51. IC 15-16-3.5 IS ADDED TO THE INDIANA CODE
27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2026]:

29 **Chapter 3.5. Manure Based Fertilizer**

30 Sec. 1. This chapter applies to any person that distributes
31 manure based fertilizers:

- 32 (1) in a bulk nonpackaged form and with a guaranteed
33 analysis;
- 34 (2) with a total nitrogen (N) content less than five percent
35 (5%); and
- 36 (3) with the summation of total nitrogen (N), available
37 phosphate (P_2O_5), and soluble potash (K_2O) content less than
38 ten percent (10%).

39 Sec. 2. (a) Before distributing manure based fertilizer in Indiana
40 for consideration, the person that is the guarantor of each brand
41 and grade of the manure based fertilizer must submit to the state
42 chemist:

HB 1361—LS 7006/DI 150



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- 1 (1) an application for registration on a form furnished by the
 2 state chemist; and
 3 (2) a filing fee of twenty dollars (\$20).
- 4 (b) Upon approval of the application, the state chemist shall
 5 furnish a copy of the registration to the applicant.
- 6 (c) All registrations expire on June 30 each year.
- 7 (d) In addition to the filing fee set forth in subsection (a), a late
 8 filing fee equal to one hundred percent (100%) of the appropriate
 9 filing fee is assessed when:
- 10 (1) an application to renew the registration of a manure based
 11 fertilizer under this section is received after July 31; or
 12 (2) a product that must be registered under this section is
 13 found to be in distribution before registration.
- 14 (e) An application under subsection (a) must include the
 15 following information:
- 16 (1) The name and address of the registrant.
 17 (2) The brand and grade.
 18 (3) The guaranteed analysis showing the minimum percentage
 19 of plant food claimed in the following order and form:
- 20 (A) Total nitrogen (N) _____ percent.
 21 (B) Available phosphate (P_2O_5) _____ percent.
 22 (C) Soluble potash (K_2O) _____ percent.
- 23 (f) Additional plant food elements or other additives that are
 24 determinable by chemical methods may be guaranteed only by
 25 permission of the state chemist. The state chemist shall grant
 26 permission only if the state chemist determines that the guarantee
 27 would not constitute a misrepresentation and is correct. Additional
 28 plant foods that are guaranteed:
- 29 (1) must be included in the guarantee in the form of the
 30 element; and
 31 (2) are subject to inspection and analysis in accordance with
 32 the methods that the state chemist prescribes.
- 33 **Sec. 3. Manure based fertilizer must be distributed with a**
 34 **written or printed statement with the guaranteed analysis that:**
 35 (1) accompanies the manure based fertilizer at delivery; and
 36 (2) is supplied to the purchaser at time of delivery.
- 37 **Sec. 4. (a) A person that distributes manure based fertilizers in**
 38 **Indiana to a person that is not a registrant or permit holder under**
 39 **this chapter shall pay to the state chemist an inspection fee**
 40 **computed under subsection (b).**
 41 (b) The inspection fee charged under subsection (a) is as follows:
 42 (1) One hundred dollars (\$100) for zero (0) tons up to one

HB 1361—LS 7006/DI 150



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- 1 thousand two hundred fifty (1,250) tons distributed per
 2 reporting period.
- 3 (2) Five hundred dollars (\$500) for more than one thousand
 4 two hundred fifty (1,250) tons up to five thousand (5,000) tons
 5 per reporting period.
- 6 (3) One thousand dollars (\$1,000) for more than five thousand
 7 (5,000) tons distributed per reporting period.
- 8 (c) Sales or exchanges between importers, manufacturers,
 9 distributors, or registrants are exempt from the inspection fee.
- 10 Sec. 5. (a) Each registrant shall apply to the state chemist for a
 11 permit to report the tonnage of manure based fertilizer sold and
 12 pay the inspection fee as specified in section 4 of this chapter. In
 13 making the application for the permit, the registrant must agree to
 14 the following:
- 15 (1) To keep records that indicate accurately the tonnage and
 16 kinds of manure based fertilizers sold in Indiana.
- 17 (2) To grant the state chemist permission to:
- 18 (A) examine the records required in subdivision (1); and
 19 (B) verify the registrant's statement of tonnage.
- 20 (3) To report under oath to the state chemist on forms
 21 furnished by the state chemist the tonnage of manure based
 22 fertilizer sold during the period covered.
- 23 (b) The state chemist:
- 24 (1) may grant the permit to report tonnage if the state chemist
 25 determines that the application of the permit to report
 26 tonnage of manure based fertilizer described in subsection (a)
 27 will lead to efficient enforcement of this chapter; and
 28 (2) may revoke the permit to report tonnage at any time if it
 29 appears to the state chemist that the registrant is not
 30 complying with:
- 31 (A) the terms of the agreement entered into at the time of
 32 the issuance of the permit; or
 33 (B) this chapter.
- 34 (c) The report of tonnage is due and the inspection fees are
 35 payable semiannually on the last day of the month following the
 36 end of the semiannual period.
- 37 (d) The state chemist may revoke the registrant's permit for any
 38 of the following reasons:
- 39 (1) The report of tonnage is not filed and the inspection fee is
 40 not paid by the fifteenth day following the due date.
- 41 (2) The report of tonnage is false.
- 42 (3) The permit holder has not complied with labeling

HB 1361—LS 7006/DI 150



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- 1 requirements of this chapter.
- 2 (e) If the inspection fee is unpaid after the fifteen (15) day grace
- 3 period described in subsection (d), a penalty must be assessed in
- 4 the amount of:
- 5 (1) fifty dollars (\$50); or
- 6 (2) ten percent (10%) of the amount due;
- 7 whichever is greater, in addition to the amount due.
- 8 Sec. 6. (a) The state chemist shall publish at least annually, in a
- 9 form that the state chemist considers proper, information
- 10 concerning the following:
- 11 (1) The sales of manure based fertilizers, including any data
- 12 on sales that the state chemist considers advisable.
- 13 (2) The results of the analyses conducted under this chapter
- 14 based on official samples of manure based fertilizers sold
- 15 within Indiana compared with the analysis guaranteed under
- 16 section 2 of this chapter.
- 17 (b) The information published by the state chemist concerning
- 18 the sale of manure based fertilizers:
- 19 (1) must show separately the fall season and spring season of
- 20 each year; and
- 21 (2) may not disclose the operations of any person.
- 22 Sec. 7. (a) The state chemist may:
- 23 (1) sample, inspect, make analysis of, and test manure based
- 24 fertilizers distributed within Indiana; and
- 25 (2) inspect the storage of manure based fertilizers in Indiana
- 26 at a time and place and to such an extent as necessary to
- 27 determine whether the manure based fertilizers and their
- 28 storage are in compliance with this chapter.
- 29 (b) The state chemist may enter upon any public or private
- 30 premises during regular business hours in order to have access to:
- 31 (1) manure based fertilizer materials; and
- 32 (2) plans and records relating to the transportation, storage,
- 33 sale, and use of fertilizer materials;
- 34 subject to this chapter.
- 35 (c) The methods of sampling and analysis for manure based
- 36 fertilizers may be based on sources that include AOAC
- 37 International. In cases of dispute, AOAC International's methods
- 38 prevail if AOAC International's methods are available.
- 39 (d) The state chemist shall determine for administrative
- 40 purposes whether a manure based fertilizer is deficient in plant
- 41 foods using only the official sample obtained and analyzed as
- 42 provided in subsection (c).

HB 1361—LS 7006/DI 150



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1 (e) The state chemist may request a court to issue subpoenas to
2 compel:

3 (1) the attendance of witnesses; or

4 (2) the production of books, documents, and records;
5 as part of an authorized investigation or a hearing located in
6 Indiana affecting the authority or privilege granted by a license,
7 certificate, application, registration, or permit issued under this
8 chapter.

9 Sec. 8. (a) If an official manure based fertilizer analysis
10 conducted by the state chemist under this chapter results in a
11 determination that the registrant of a manure based fertilizer is
12 subject to a penalty or other legal action under this chapter, the
13 state chemist shall forward a report of the results of the analysis to
14 the registrant at least thirty (30) days before the report is
15 submitted to the purchaser of the manure based fertilizer.
16 However, if the manure based fertilizer analysis was requested by
17 a person other than the state chemist, the results of the analysis
18 must be forwarded to the registrant and purchaser immediately.
19 If, during the thirty (30) day period, the state chemist does not
20 receive adequate evidence contesting the results in the report, the
21 report becomes an official report at the end of the thirty (30) day
22 period.

23 (b) Upon the registrant's request, the state chemist shall furnish
24 to the registrant part of the manure based fertilizer sample
25 analyzed by the state chemist that was used to determine that the
26 registrant was subject to a penalty or other legal action under this
27 chapter.

28 Sec. 9. (a) If an analysis conducted under this chapter indicates
29 that a manure based fertilizer fails in any respect to meet the
30 guaranteed analysis filed by a registrant under section 2 of this
31 chapter, the state chemist may require the payment of a refund to
32 the purchaser equal to the difference between:

33 (1) the price the purchaser paid for the manure based
34 fertilizer; and

35 (2) the current value of the manure based fertilizer after the
36 state chemist's analysis.

37 (b) The registrant must forward receipts for payment of refunds
38 required under subsection (a) promptly to the state chemist. If the
39 purchaser cannot be found, the registrant shall pay the refund to
40 a local charitable or educational organization of the registrant's
41 choice and forward the receipts promptly to the state chemist.

42 (c) This section does not prevent the appeal of the imposition of

HB 1361—LS 7006/DI 150



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1 any penalty assessed by the state chemist under this chapter to a
2 court with jurisdiction.

3 **Sec. 10. Manure based fertilizers must be stored in a manner**
4 **that:**

- 5 (1) minimizes the release of manure based fertilizer; and
- 6 (2) protects the waters of the state.

7 **Sec. 11. (a) In addition to any applicable standards required**
8 **under sections 13 and 14 of this chapter, a storage structure must**
9 **be designed as follows:**

10 (1) The bottom of the storage structure is at least two (2) feet
11 above bedrock.

12 (2) The bottom of the storage structure must be above the
13 seasonal high water table, unless lowered in accordance with
14 subsection (c).

15 (3) Test holes to obtain soil and water table information for
16 the design must be obtained as follows:

17 (A) The number of test holes must be sufficient to
18 adequately characterize the seasonal water table and soil
19 underneath the storage structure.

20 (B) Test holes must be:

- 21 (i) evenly distributed throughout the storage structure;
- 22 (ii) at least two (2) feet below the base of the storage
23 structure for concrete structures in karst and nonkarst
24 areas;
- 25 (iii) at least five (5) feet below the base of the storage
26 structure for earthen structures in nonkarst areas; and
- 27 (iv) placed to the shallower of either bedrock or ten (10)
28 feet below the lowest point of the proposed processed
29 manure storage structure;

30 in areas of karst terrain.

31 (C) Testing must be conducted by:

- 32 (i) a soil scientist registered under IC 25-31.5;
- 33 (ii) a professional geologist certified in Indiana under
34 IC 25-17.6; or
- 35 (iii) a professional engineer registered under IC 25-31.

36 (b) Plastic, fiberglass, and aboveground steel tanks must:

- 37 (1) have sufficient strength to withstand design loads;
- 38 (2) be watertight;
- 39 (3) be cleaned to remove any traces of previously stored
40 substances prior to addition of manure to the tank if the tank
41 is used to store any objectionable or hazardous substances;
- 42 (4) be installed to ensure the seasonal high water table is

HB 1361—LS 7006/DI 150



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- 1 maintained below the tank or the tank must be anchored to
 2 prevent flotation; and
 3 (5) have protected shut off valves for all inlet and outlet pipes.
 4 (c) Any drainage system to lower the seasonal water table
 5 around the base of a storage structure must be designed and
 6 installed to:
 7 (1) effectively collect and drain the ground water;
 8 (2) be of adequate size, proper slopes, and proper distance
 9 from the storage structure;
 10 (3) if applicable, be provided with:
 11 (A) sumps;
 12 (B) pumps, including a backup pump; and
 13 (C) electricity supply;
 14 (4) if applicable, have a surface outlet that is at least fifty (50)
 15 feet away from the storage structure and at least:
 16 (A) fifty (50) feet from the property line in soils with a
 17 permeability of one-half (1/2) inch per hour or less; or
 18 (B) twenty (20) feet from the property line in soils with a
 19 permeability greater than one-half (1/2) inch per hour;
 20 (5) have a shut off valve or equivalent; and
 21 (6) have an access point for sampling within fifty (50) feet of
 22 the storage structure.
 23 (d) A concrete storage structure must be constructed according
 24 to the Indiana NRCS Construction Specification, Concrete
 25 Construction, May 2015 and designed to either of the following
 26 design standards:
 27 (1) MWPS-36: Rectangular Concrete Manure Storages,
 28 Second Edition, 2005.
 29 (2) TR-9: Circular Concrete Manure Tanks, March 1998.
 30 (e) A storage structure must not:
 31 (1) have a discharge pipe or conveyance that would allow for
 32 a release or discharge of processed manure or water
 33 contaminated by processed manure; or
 34 (2) be an underground steel storage tank.
 35 Sec. 12. (a) The soil or foundation of an earthen storage
 36 structure must have a maximum specific discharge permeability of
 37 one-sixteenth (1/16) in³/in²/day, 1.8x10⁻⁶cm³/cm²/sec. This
 38 requirement may be satisfied by soil testing that shows a minimum
 39 of three (3) feet of in situ soils that:
 40 (1) meet the maximum specific discharge permeability
 41 criteria;
 42 (2) are over excavated a minimum of six (6) inches; and

HB 1361—LS 7006/DI 150



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- 1 (3) are recompacted to break up the existing macropore
- 2 structure.
- 3 (b) If there is not at least three (3) feet of in situ soils that meet
- 4 the maximum specific discharge criteria in subsection (a), a liner
- 5 must be used. Except for clay liners described in subsection (c),
- 6 liners used in a storage structure must meet the following design
- 7 standards as applicable:
- 8 (1) Indiana NRCS Conservation Practice Standard Code
- 9 521A: POND SEALING OR LINING – GEOMEMBRANE
- 10 OR GEOSYNTHETIC CLAY LINER, November 2018.
- 11 (2) Indiana NRCS Conservation Practice Standard Code 520:
- 12 POND SEALING OR LINING – COMPACTED SOIL
- 13 TREATMENT, October 2016.
- 14 (3) Indiana NRCS Conservation Practice Standard Code 522:
- 15 POND SEALING OR LINING – CONCRETE, October 2016.
- 16 (c) Clay liners must be a minimum of one (1) foot thick and have
- 17 a maximum specific discharge of one-sixteenth (1/16) in³/in²/day,
- 18 1.8x10⁻⁶cm³/cm²/sec.
- 19 Sec. 13. In addition to the requirements under section 11 of this
- 20 chapter, a storage structure that contains solid processed manure
- 21 must be designed according to the following:
- 22 (1) The storage structure must:
- 23 (A) be covered to prevent rainwater from contacting the
- 24 processed manure; or
- 25 (B) have storm water run-on and run-off controls.
- 26 (2) The storage structure must not be constructed in sand or
- 27 gravel soils, Unified Soil Classification of Pt, GW, GP, GM,
- 28 GC, SW, SP, SM, as described in ASTM D2488-09a Standard
- 29 Practice for Description and Identification of Soils
- 30 (Visual-Manual Procedure), unless specially designed with a
- 31 liner approved by the state chemist, in accordance with
- 32 section 12 of this chapter.
- 33 (3) Test holes for an earthen storage structure storing solid
- 34 processed manure must be placed at a rate of two (2) holes for
- 35 the first acre of storage and one (1) additional hole for each
- 36 additional one-half (1/2) acre of storage.
- 37 Sec. 14. (a) In addition to the requirements under section 11 of
- 38 this chapter, a storage structure that contains liquid processed
- 39 manure must be designed according to the Indiana NRCS
- 40 Conservation Practice Standard Code 313: Waste Storage
- 41 Structure, October 2016.
- 42 (b) An uncovered storage structure containing liquid processed

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HB 1361—LS 7006/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 manure must be designed with a minimum freeboard of two (2)
2 feet unless an alternate design is approved by the state chemist.

3 (c) Test holes for an earthen storage structure storing liquid
4 processed manure must be placed at a rate of two (2) holes for the
5 first one-half (1/2) acre of storage and one (1) additional hole for
6 each additional one-half (1/2) acre of storage.

7 (d) Pipelines must be constructed according to the Indiana
8 NRCS Conservation Practice Standard Code 634: Waste Transfer,
9 October 2015.

10 (e) The storage structure must be certified upon completion by
11 a registered professional engineer. The engineer's certification
12 must be kept in the operating record and submitted to the state
13 chemist before introducing processed manure.

14 Sec. 15. The state chemist shall post on the website of the office
15 of the state chemist information concerning where design
16 standards referenced in sections 11, 12, 13, and 21 of this chapter
17 may be:

- 18 (1) obtained; and
19 (2) reviewed and copied.

20 Sec. 16. (a) An owner or operator may propose an alternative to
21 a design, construction, or operational requirement specified in this
22 chapter, provided the owner or operator can prove to the
23 satisfaction of the state chemist that any alternative will provide
24 equivalent or greater environmental protection than the
25 requirements specified in this chapter.

26 (b) A proposed alternative must be submitted to the state
27 chemist and accompanied by documentation that demonstrates
28 equivalent or greater environmental protection than the standard
29 for which an alternative is being requested.

30 (c) An owner or operator may not implement an alternative
31 without prior approval by the state chemist.

32 (d) The state chemist shall provide written documentation
33 describing the basis for any determination on an alternative
34 request submitted under this section.

35 Sec. 17. (a) The owner or operator shall notify the state chemist
36 in writing at least two (2) days before the scheduled construction
37 of a storage structure. Multiple notices, that identify the parts of
38 the storage structure that are completed at the time the notice is
39 submitted, are required if an owner or operator performs partial
40 construction of an approved structure and plans to use that portion
41 before completing construction of the entire storage structure.

42 (b) Any field tiles or drainage outlets encountered during

HB 1361—LS 7006/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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1 construction must be blocked or rerouted in accordance with any
 2 applicable local approval requirements and must be cut back at
 3 least fifty (50) feet from the edge of any:

- 4 (1) berm;
- 5 (2) concrete pit; or
- 6 (3) earthen storage structure.

7 (c) The applicant shall execute and send to the state chemist a
 8 notarized affidavit, under penalty of perjury, that a storage
 9 structure was constructed, and will be operated, according to the
 10 requirements of this chapter, as follows:

- 11 (1) The affidavit must be submitted:
 - 12 (A) on a form provided by the state chemist;
 - 13 (B) within thirty (30) days after the date construction is
 - 14 completed; and
 - 15 (C) before the introduction of any processed manure.
- 16 (2) The affidavit must include identification of the parts of the
 17 storage structure that are completed at the time the affidavit
 18 is submitted.
- 19 (3) If an owner or operator performs partial construction of
 20 an approved storage structure and plans to use that portion
 21 before completing construction of the entire storage structure,
 22 a separate affidavit must be submitted for each portion of
 23 construction.

24 (d) The certification required by section 14(e) of this chapter
 25 must be completed before the introduction of processed manure.

26 Sec. 18. (a) A storage structure must be maintained and
 27 operated to meet the requirements of this chapter.

- 28 (b) The owner or operator shall:
 - 29 (1) inspect the storage structure for compliance with this
 - 30 chapter at least one (1) time each month; and
 - 31 (2) document any maintenance activities in the operating
 - 32 record.
- 33 (c) An uncovered storage structure storing liquid manure must:
 - 34 (1) be maintained, with a minimum freeboard of two (2) feet,
 - 35 unless otherwise specified in the processed manure storage
 - 36 structure permit; and
 - 37 (2) have clear identified markers to indicate manure levels
 - 38 relative to the approved freeboard elevation.
- 39 (d) An earthen berm for a storage structure must be:
 - 40 (1) stabilized with vegetation or alternative erosion control
 - 41 measures;
 - 42 (2) maintained to prevent growth of trees and shrubs; and

HB 1361—LS 7006/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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- 1 (3) maintained to allow for visual inspection.
- 2 **Sec. 19. (a) The owner or operator of a storage structure must**
- 3 **keep an operating record that includes the following:**
- 4 (1) The complete application.
- 5 (2) The storage structure site plan.
- 6 (3) Notification of construction required by section 17(a) of
- 7 this chapter.
- 8 (4) The notarized affidavit required by section 17(c) of this
- 9 chapter.
- 10 (5) Certification by a registered professional engineer
- 11 required by section 14(e) of this chapter.
- 12 (6) The current emergency response plan described in section
- 13 20(a) of this chapter.
- 14 (7) Documentation of any spill response described in section
- 15 20(b) of this chapter.
- 16 (8) Documentation of maintenance activities on the storage
- 17 structure.
- 18 (9) Copies of any written waivers related to reduction of the
- 19 setback distances.
- 20 (10) All processed manure storage structure permits,
- 21 modifications, renewals, and notifications applicable to the
- 22 storage structure.
- 23 **(b) The operating record described in:**
- 24 (1) subsection (a)(3), (a)(6), (a)(7), (a)(8), and (a)(10) must be
- 25 kept on site for the duration of the processed manure storage
- 26 structure permit term; and
- 27 (2) subsection (a)(1), (a)(2), (a)(4), (a)(5), and (a)(9) must be
- 28 kept on site for the life of the facility.
- 29 **However, if the operator is unable to keep the operating record on**
- 30 **site, it must be kept at the operator's address listed in the processed**
- 31 **manure storage structure permit.**
- 32 **(c) If the record in subsection (a) is unable to be kept on site to**
- 33 **be made available for inspection, the operator must submit a copy**
- 34 **of the record to the state chemist within thirty (30) days of the state**
- 35 **chemist's request.**
- 36 **Sec. 20. (a) The owner or operator of a storage structure shall**
- 37 **develop an emergency response plan to be kept in the operating**
- 38 **record. The plan must contain the following:**
- 39 **(1) Procedures for the following:**
- 40 **(A) Containing a processed manure release to prevent the**
- 41 **manure from reaching waters of the state.**
- 42 **(B) Locating the source of a processed manure release and**

HB 1361—LS 7006/DI 150



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- 1 **stopping the flow of manure.**
- 2 **(C) Returning released manure to the storage structure or**
- 3 **an approved waste management system.**
- 4 **(D) Contacting the following:**
- 5 **(i) The owner or operator.**
- 6 **(ii) Any applicable local emergency or health authorities.**
- 7 **(2) The names and telephone numbers of each person who is**
- 8 **identified by the owner or operator as responsible for**
- 9 **implementing the emergency response plan.**
- 10 **(3) Identification of areas where potential manure releases**
- 11 **could occur and their accompanying drainage points.**
- 12 **(4) Identification of equipment and cleanup materials to be**
- 13 **used in the event of a manure release.**
- 14 **(b) The owner or operator shall implement the emergency**
- 15 **response plan any time a processed manure release occurs. If**
- 16 **manure from the storage structure reaches waters of the state, the**
- 17 **owner or operator must do the following:**
- 18 **(1) Provide notification in accordance with the following:**
- 19 **(A) As soon as possible, but within two (2) hours of**
- 20 **discovery, communicate a spill report to the Indiana**
- 21 **department of environmental management, office of land**
- 22 **quality, emergency response section.**
- 23 **(B) If new or updated spill report information becomes**
- 24 **known that indicates a significant increase in the likelihood**
- 25 **of damage to the waters of the state, the responsible party**
- 26 **shall notify the Indiana department of environmental**
- 27 **management as soon as possible, but within two (2) hours**
- 28 **of the time the new or updated information becomes**
- 29 **known.**
- 30 **(2) If requested by the Indiana department of environmental**
- 31 **management, submit a written copy of the spill report to the**
- 32 **Indiana department of environmental management, office of**
- 33 **land quality, emergency response section.**
- 34 **(3) Except from modes of transportation other than pipelines,**
- 35 **exercise due diligence and document attempts to notify the**
- 36 **following:**
- 37 **(A) For processed manure releases or spills to surface**
- 38 **water, the nearest affected downstream water user located**
- 39 **within ten (10) miles of the spill and in Indiana.**
- 40 **(B) For processed manure releases or spills to soil outside**
- 41 **the storage structure property boundary, each affected**
- 42 **property owner, operator, and occupant.**

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1 **Sec. 21. (a) The owner or operator of a processed manure**
 2 **storage structure that plans to decommission a processed manure**
 3 **storage structure shall do the following:**

4 **(1) Continue to maintain the processed manure storage**
 5 **structure in accordance with the requirements of this chapter**
 6 **until the manure is removed.**

7 **(2) Follow the requirements in the Indiana NRCS**
 8 **Conservation Practice Standard Code 360, Closure of Waste**
 9 **Impoundments, November 2012, if applicable.**

10 **(3) Have all associated appurtenances and conveyance**
 11 **structures removed from uncovered processed manure**
 12 **storage facilities.**

13 **(4) Notify the Indiana department of environmental**
 14 **management:**

15 **(A) before demolishing or converting the use of any**
 16 **processed manure storage structure; and**

17 **(B) of the intended future use of the processed manure**
 18 **storage structure, if the processed manure storage**
 19 **structure is to be converted to another use.**

20 **(b) The owner or operator shall submit a certification to the**
 21 **commissioner of the Indiana department of environmental**
 22 **management within thirty (30) days after completing the**
 23 **requirements in this section that certifies compliance with the**
 24 **requirements in this section.**

25 **(c) If deemed necessary to protect human health or the**
 26 **environment, the state chemist may require additional**
 27 **decommissioning activities based on:**

28 **(1) surface or ground water contamination;**

29 **(2) evidence of:**

30 **(A) leakage;**

31 **(B) seepage;**

32 **(C) manure releases; or**

33 **(D) spills; or**

34 **(3) other criteria related to protection of human health or the**
 35 **environment.**

36 **(d) The commissioner of the Indiana department of**
 37 **environmental management shall provide written documentation**
 38 **describing the basis for any required additional activities.**

39 **Sec. 22. The state chemist shall adopt rules under IC 4-22-2:**

40 **(1) regulating the distribution of manure based fertilizer; and**

41 **(2) establishing fees for the distribution of manure based**
 42 **fertilizer.**

HB 1361—LS 7006/DI 150



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1 **Sec. 23. (a) A person may not distribute a misbranded manure**
 2 **based fertilizer. A manure based fertilizer is misbranded if:**

3 **(1) the manure based fertilizer carries any false or misleading**
 4 **statement; or**

5 **(2) false or misleading statements concerning the manure**
 6 **based fertilizer's nutrient value are made in any advertising**
 7 **media accompanying or associated with the manure based**
 8 **fertilizer.**

9 **(b) A person may not distribute an adulterated manure based**
 10 **fertilizer. A manure based fertilizer is adulterated if:**

11 **(1) the manure based fertilizer contains any deleterious or**
 12 **harmful substance in a sufficient amount to render the**
 13 **manure based fertilizer injurious to beneficial plant life,**
 14 **animals, humans, aquatic life, soil, or water when applied in**
 15 **accordance with directions for use on the label; or**

16 **(2) the label of the manure based fertilizer does not include**
 17 **adequate warning statements or directions for use that may**
 18 **be necessary to protect plant life, animals, humans, aquatic**
 19 **life, soil, or water.**

20 **Sec. 24. (a) The state chemist may:**

21 **(1) cancel the registration of any brand of manure based**
 22 **fertilizer; or**

23 **(2) refuse to register any brand of manure based fertilizer**
 24 **under this chapter;**

25 **if the state chemist receives satisfactory evidence that the**
 26 **registrant has used fraudulent or deceptive practices in the evasion**
 27 **or attempted evasion of this chapter.**

28 **(b) The state chemist may not revoke or refuse a registration**
 29 **under subsection (a) until the registrant receives notice and has the**
 30 **opportunity to appear for a hearing.**

31 **Sec. 25. (a) If the state chemist determines that a manure based**
 32 **fertilizer is being offered for sale in violation of this chapter, the**
 33 **state chemist may issue to and enforce upon the owner or**
 34 **custodian:**

35 **(1) a written or printed stop sale, use, or removal order; and**

36 **(2) a written or printed order to hold the manure based**
 37 **fertilizer at a designated place until:**

38 **(A) the owner or custodian complies with this chapter;**

39 **(B) the state chemist releases the manure based fertilizer**
 40 **in writing; or**

41 **(C) the violation is legally disposed of by written authority.**

42 **(b) The state chemist shall release manure based fertilizer**

HB 1361—LS 7006/DI 150



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withdrawn under subsection (a) when:
(1) the owner or custodian complies with this chapter; and
(2) all costs and expenses incurred in connection with the withdrawal have been paid.

Sec. 26. (a) Any manure based fertilizer not in compliance with this chapter is subject to seizure based on a complaint of the state chemist filed in a court with jurisdiction in the area in which the manure based fertilizer is located.

(b) Subject to subsection (a), if the court finds the manure based fertilizer is in violation of this chapter and orders the condemnation of the manure based fertilizer, the manure based fertilizer must be disposed of in any manner consistent with the quality of the manure based fertilizer and all applicable laws.

Sec. 27. The state chemist may apply for a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter. The remedies under this section are supplemental to other remedies allowed under this chapter or other law.

Sec. 28. (a) If a person violates this chapter, the state chemist may:

- (1) warn, issue a citation to, or impose a civil penalty on the person; or
- (2) deny, suspend, revoke, or amend the person's registration under this chapter.

(b) A person who knowingly or intentionally violates this chapter commits a Class A misdemeanor.

SECTION 52. IC 15-16-5-13.5, AS ADDED BY P.L.29-2024, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13.5. As used in this chapter, "fertilizer material" has the meaning set forth in ~~IC 15-16-2-11~~; IC 15-16-1.5-28.

SECTION 53. IC 15-16-5-46, AS AMENDED BY P.L.29-2024, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 46. A person ~~required to be certified under this chapter or IC 15-16-2-44(b)(1)(A)~~ **that applies fertilizer material for hire, transports fertilizer material for hire, or both** may not:

- (1) use or supervise the use of any restricted use pesticide or use a general use pesticide or fertilizer material for hire; or
- (2) make diagnostic inspections or reports to determine infestations of wood destroying pests;

unless the person complies with the certification requirements under this chapter and any other requirements determined by the state chemist to be necessary to prevent unreasonable adverse effects on the

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1 environment.
 2 SECTION 54. IC 35-52-15-6.5 IS ADDED TO THE INDIANA
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2026]: **Sec. 6.5. IC 15-16-3.5-28 defines a**
 5 **crime concerning manure based fertilizer.**
 6 SECTION 55. [EFFECTIVE JULY 1, 2026] (a) **The following**
 7 **rules are void:**
 8 (1) 355 IAC 2.
 9 (2) 355 IAC 7.
 10 (3) 355 IAC 8.
 11 (4) 355 IAC 9.
 12 (5) 355 IAC 10.
 13 (b) **The publisher of the Indiana Administrative Code and the**
 14 **Indiana Register shall remove the rules in subsection (a) from the**
 15 **Indiana Administrative Code.**
 16 (c) **This SECTION expires July 1, 2027.**

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HB 1361—LS 7006/DI 150



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