

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 519

Short Title: Lime & Landplaster Act Enforcement.

(Public)

Sponsors: Senators Albertson; Warren, Parnell, Daniel, Jordan, Perdue, Soles, Martin of Pitt, Conder, and Speed.

Referred to: Judiciary I.

March 22, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE THE ENFORCEMENT OF THE NORTH CAROLINA
3 LIMING MATERIALS AND LANDPLASTER ACT.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 106-92.7 is amended by adding a new subsection to read:

6 "(c) In determining the acceptability of any product for registration, the
7 Commissioner may require proof of claims made for the product. If no specific claims
8 are made, the Commissioner may require proof of usefulness and value of the product.
9 As evidence of proof, the Commissioner may rely on experimental data furnished by the
10 applicant and may require that the data be developed by a recognized research or
11 experimental institution. The Commissioner may further require that the data be
12 developed from tests conducted under conditions identical to or closely related to those
13 present in North Carolina. The Commissioner may reject any data not developed under
14 those conditions and may rely on advice from sources such as the Cooperative
15 Extension Service of North Carolina State University."

16 Sec. 2. G.S. 106-92.6 is amended by adding a new subsection to read:

17 "(c) It is unlawful to make any false or misleading statement or representation
18 with regard to any agricultural liming material or landplaster product offered for sale,
19 sold, or distributed in this State, or to use any misleading or deceptive trademark or
20 brand name in connection therewith. The Commissioner may refuse, suspend, revoke,
21 or terminate the registration of any such product for any violation of this section."

22 Sec. 3. G.S. 106-92.12 reads as rewritten:

23 **"§ 106-92.12. 'Stop sale' orders.**

1 The Commissioner may issue and enforce a written or printed 'stop sale, use, or
2 removal' order to the owner or custodian of any lot of agricultural liming material or
3 landplaster at a designated place when the Commissioner finds the material is being
4 offered or exposed for sale in violation of any of the provisions of this Article until the
5 law has been complied with and the violation has been otherwise legally disposed of by
6 written authority. The Commissioner shall release the agricultural liming materials or
7 landplaster so withdrawn, when the requirements of the provisions of this Article have
8 been complied with and all costs and expense incurred in connection with the
9 withdrawal have been paid.

10 If a manufacturer or registrant fails to make a refund as required by G.S. 106-92.11,
11 the Commissioner may stop the sale of any agricultural liming materials or landplaster
12 registered by the manufacturer or registrant and offered for sale in this State."

13 Sec. 4. This act becomes effective October 1, 1993.