

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **746** Session of
1961

MESSRS. YATRON AND SESLER, IN PLACE, JUNE 6, 1961.

AS AMENDED ON SECOND READING, JUNE 26, 1961.

AN ACT

To regulate the sale and distribution for agricultural purposes of ground limestone burned and hydrated lime gypsum slag and related products in the Commonwealth of Pennsylvania conferring powers and imposing duties on the Department of Agriculture establishing fees making an appropriation and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 Section 1 Administration of Act Short Title This act shall be ad-
2 ministered by the Department of Agriculture of the Commonwealth of
3 Pennsylvania and shall be known and may be cited as the "Pennsylvania
4 Agricultural Lime Act"

5 Section 2 Definitions When used in this act

6 (1) The term "distribute" means to offer for sale sell barter or
7 otherwise supply

8 (2) The term "sell" or "sale" includes exchange except exchanges
9 between manufacturers

10 (3) The term "agricultural liming materials" means all calcitic and
11 other materials containing calcium or magnesium in condition and quan-
12 tity suitable for use in neutralizing soil acidity "Gypsum" means prod-
13 ucts consisting primarily of calcium sulfate

14 (4) The term "brand" means the term design or trademark or other
15 specific designation under which an individual agricultural liming mate-
16 rial is distributed and sold

17 (5) The term "label" or "tag" means a display of written printed
18 or graphic matter attached to or upon the container in which an agri-
19 cultural liming material is distributed

1 (6) The term "ton" means a net weight of two thousand pounds
2 avoirdupois

3 (7) The term "percent" or "percentage" means percentage by
4 weight

5 (8) The term "official sample" means any sample taken by the
6 Secretary of Agriculture or his agent

7 Section 3 Labeling (a) All agricultural liming materials sold offered
8 or exposed for sale shall have attached thereto or be accompanied by
9 a plainly printed statement giving the following information

10 (1) The name of the manufacturer or importer and the address of
11 his principal office

12 (2) The name of the place where manufacture or a code to identify
13 that particular plant

14 (3) The brand or trade name of the material

15 (4) The name of the form of the material

16 (5) The net weight when the material is sold in packages

17 (6) The fineness of the material if in a ground or powdered form
18 showing the percentage passing the twenty mesh sieve the sixty mesh
19 sieve and the one hundred mesh sieve

1 (7) The minimum percent of calcium oxide (CaO) and of magne-
2 sium oxide (MgO) and in the case of gypsum the minimum percent of
3 calcium sulphate (CaSO₄) The percentage of moisture if it exceeds ten
4 percent

5 (8) With respect to all burned forms of liming materials including
6 mixtures of burned and unburned liming materials statement of the total
7 maximum percent contained of calcium oxide and magnesium oxide which
8 are combined as carbonates The information given in the said statement
9 shall be held to be the guaranty of the manufacturer or importer that
10 the goods to which said statement refers are of the kind and quality or
11 composition and fineness so set forth

12 (b) The word "lime" shall not be placed anywhere on a package
13 containing agricultural liming material which has less than sixty per-
14 cent of its total weight in the form of oxides or hydroxides of calcium
15 or magnesium except in the required statement of minimum analysis
16 or as part of the name of the company manufacturing or selling it

17 (c) The term "standard agricultural limestone" shall not be placed
18 anywhere on any package containing agricultural liming material which
19 has less than fifty percent oxide equivalent by weight ninety-eight per-
20 cent of which will pass a No 20 mesh sieve and contain the dust of

1 fracture Material meeting a less requirement shall be labeled sub-
2 standard agricultural limestone

3 (d) In the case of agricultural liming materials sold in bulk the
4 required information shall be delivered to the purchaser either with the
5 invoice therefor or with the goods

6 Section 4 Registration (a) Every manufacturer or importer of
7 agricultural liming materials shall before offering them for sale in
8 Pennsylvania register each brand and grade of agricultural liming
9 material with the Secretary of Agriculture on forms provided by him
10 and shall pay a permanent registration fee of ten dollars (\$10) Changes
11 in brand name or grade shall require a new registration

12 (b) The Secretary of Agriculture is empowered to reject any
13 application not in compliance with the provisions of this act and to
14 cancel any registration when it is subsequently found to be in violation
15 of any provision of this act or when he has satisfactory evidence that
16 the registrant has used fraudulent or deceptive practices in attempted
17 evasion of the provisions of the act or regulations thereunder No regis-
18 tration shall be refused or cancelled until the registrant shall have
19 been given opportunity to be heard before the Secretary of Agriculture

20 Section 5 Control Fee (a) Each manufacturer or importer of

1 agricultural liming material shall file not later than the last day of
2 January and July of each year a semi-annual statement setting forth
3 the number of net tons of agricultural liming material distributed
4 ~~county by county~~ in this State during the six month's period ending as
5 of the last day of the previous month and upon filing such statement
6 shall pay a control fee at the rate of two cents (\$.02) per ton except
7 that no semi-annual payment shall exceed ~~two hundred dollars (\$200)~~
8 ONE HUNDRED FIFTY DOLLARS (\$150) nor be less than ~~twenty~~
9 ~~five dollars (\$25)~~ TWELVE DOLLARS AND FIFTY CENTS (\$12.50)
10 Failure to make an accurate statement of tonnage or to pay the control
11 fee shall constitute sufficient cause for the cancellation of all registra-
12 tions on file for the manufacturer or importer

13 (b) Sales of agricultural liming materials to manufacturers or
14 exchanges between them are hereby exempted from the control fee
15 Registration and control fees and fines when collected shall be placed
16 in the Feed and Fertilizer Fund to be used solely for the payment of
17 the costs of inspection sampling analysis and other expenses necessary
18 for the administration of this act and other acts specified by the General
19 Assembly and as much thereof as is necessary is hereby appropriated
20 from time to time

1 Section 6 Sampling The Secretary of Agriculture is hereby em-
2 powered to collect samples of agricultural liming material either in
3 person or by his duly qualified agent or representative to have them
4 analyzed and shall publish the results for the information of the pub-
5 lic and for this purpose the Secretary of Agriculture and his duly
6 authorized agents shall have full access ingress and egress to and
7 from all places of business quarries kilns factories barns buildings cars
8 and vessels used in the manufacture storage transportation or sale of
9 the said materials They shall have the power to open any container or
10 package containing or supposed to contain any of the said materials
11 and to take therefrom samples for analysis

12 Section 7 Misbranding No agricultural liming material shall be
13 deemed to be misbranded if the total combined oxide equivalent present
14 shall exceed the sum of the calcium oxide and magnesium oxide as stated
15 in the guaranteed analysis If the analysis of any agricultural liming
16 material shall fall as much or more than ten percent below the manu-
17 facturer's guarantee the Secretary of Agriculture shall immediately
18 notify the manufacturer and allow him ten days in which to investigate
19 and make a report If the deficiency is confirmed the Secretary of Agri-
20 culture shall assess twice the value of such deficiency against the regis-

1 trant The assessment shall be based upon the selling price of the agricul-
2 tural liming material and the Secretary of Agriculture shall require the
3 registrant to make good such assessment to all purchasers of the deficient
4 lot of agricultural liming material from which the sample was drawn
5 If the purchaser or purchasers of the lot cannot be found the assessment
6 shall be deposited in the State Treasury to the credit of the General
7 Fund

8 Section 8 Rules and Regulations The Secretary of Agriculture is
9 empowered to prescribe and enforce such reasonable rules and regula-
10 tions relating to the sale of agricultural liming materials as is deemed
11 necessary to carry into effect the full intent and meaning of this act

12 Section 9 Violations Penalties Any person violating any provisions
13 of this act shall be guilty of a misdemeanor and upon conviction shall
14 be sentenced to pay a fine of not less than fifty dollars (\$50) for the
15 first offense and in default of the payment thereof undergo imprison-
16 ment for a term not exceeding thirty days and a fine of not less than
17 one hundred dollars (\$100) for each subsequent offense and in default
18 thereof a term of imprisonment of not less than sixty days It shall be
19 the duty of the Secretary of Agriculture to enforce the provisions of
20 this act

1 Section 10 Repeal the Act of June 1 1915 (P L 678) entitled "An
 2 act to regulate the sale for agricultural purpose of crushed limestone
 3 lime gypsum and related products defining said products and prescribing
 4 penalties for the violation of this act" is repealed

5 Section 11 This act shall take effect January 1 1962

We certify that this bill has passed the Senate and the House of
 Representatives.

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 Chief Clerk, Senate

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 President pro tempore, Senate

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 Speaker, House of Representatives

Approved The day of A. D. 1961.

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 Governor