### ARTICLE 12

**Commercial Fertilizers and Soil Conditioners**

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35-12-101. Short title.
This article shall be known and may be cited as the "Commercial Fertilizer, Soil Conditioner, Plant Amendment, and Agricultural Liming Material Act of 1977".

35-12-102. Administration of article.
This article shall be administered by the commissioner of agriculture, referred to in this article as the "commissioner", or his duly authorized representatives.

35-12-103. Definitions.
As used in this article, unless the context otherwise requires: (1) "Agricultural liming material" means a product whose calcium and magnesium compounds are capable of neutralizing soil acidity. The commissioner shall set the minimum standard of calcium carbonate equivalent allowable by regulation.
(2) (Deleted by amendment.)
(3) "Availability of a plant nutrient" means the immediate potential property of an agent or product to be utilized by a plant and have agronomic value when used according to directions. Methods of availability shall be defined by regulation.
(4) "Basic supplier" means a person who produces within Colorado, ships into Colorado, distributes for use in Colorado, or distributes for shipment into Colorado fertilizer materials, soil conditioners, plant amendments, or agricultural liming materials.
(5) "Brand" means a term, design, or trademark used in connection with one or several grades of commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material.
(6) "Bulk fertilizer", "bulk soil conditioner", "bulk plant amendment", or "bulk agricultural liming material" means a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material, respectively, distributed in nonpackaged form or in a container containing more than one hundred pounds.
(7) "Commercial fertilizer" means a fertilizer material, mixed fertilizer, or any other substance containing one or more essential available plant nutrients which is used for its plant nutrient content and which is designed for use and has value in promoting plant growth. It does not include untreated animal and untreated vegetable manures, untreated peat moss and untreated peat humus, soil conditioners, plant amendments, agricultural liming materials, gypsum, and other products exempted by regulation of the commissioner.
(8) "Commission" means the state agricultural commission.
(9) "Commissioner" means the commissioner of agriculture of Colorado or his authorized agent.
(10) "Customer formulated mix" means a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material prepared expressly for, and according to specifications furnished by, the customer prior to mixing.
(11) "Department" means the Colorado department of agriculture and includes the state agricultural commission, the commissioner of agriculture, and all employees and agents of the department.
(12) "Distributor" means any person who imports or consigns a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material or who offers for sale, sells, barters, or otherwise supplies these products for use in or shipment into this state.
(13) "Fertilizer material" is a commercial fertilizer which either:
(a) Contains significant quantities of no more than one of the primary plant nutrients, nitrogen, phosphoric acid, and potash; or
(b) Has approximately eighty-five percent of its plant nutrient content present in the form of a single chemical compound.

(14) "Fineness of an agricultural liming material" means the percentage by weight of the material which will pass United States standard sieves of specified sizes. The commissioner shall promulgate regulations which set forth standards of fineness and shall be guided by the specifications for sieve sizes established by the American society of testing materials.

(15) "Grade" means the percentage of total nitrogen, available phosphoric acid, and soluble potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis; except that fertilizer materials, bone meal, and similar raw materials may be guaranteed in fractional units.

(16) (a) (I) "Guaranteed analysis" means the minimum percentage of plant nutrients claimed in the following order and form:

<table>
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<tr>
<th>Nutrient</th>
<th>Minimum Percentage</th>
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<tr>
<td>Total Nitrogen (N)</td>
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<tr>
<td>Available Phosphate</td>
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<tr>
<td>Soluble Potash (K₂O)</td>
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(II) For bone meal tankage and other organic phosphate materials, the total phosphoric acid may also be guaranteed.

(III) Guarantees for plant nutrients, other than nitrogen, phosphorus, and potassium, may be permitted or required by regulation of the commissioner. The guarantees for such other nutrients shall be expressed in the form, availability, and minimum quantity of the element set by regulation. The sources of such other nutrients, salts, chelates, and similar compounds are required to be stated on the application for registration and may be included as a parenthetical statement on the label.

(IV) Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton may be required by regulation.

(b) (Deleted by amendment.)

(c) Guaranteed analysis of a customer formulated mix may appear as in paragraph (a) (I) of this subsection (16) or may include the net weight and guaranteed analysis of each plant nutrient or fertilizer material in the mix.

(17) "Investigational allowance" means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material.

(18) "Label" means the display of all written, printed, or graphic matter on the immediate container of, or a statement accompanying, a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material.

(19) "Labeling" means all written, printed, or graphic matter on, accompanying, or used in promoting any commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material, including advertisements, brochures, posters, and television and radio announcements used in promoting the sale of commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material.

(20) (Deleted by amendment.)

(21) "Manufacturing facility" means any place where a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material is manufactured, produced,
compounded, mixed, blended, or in any way altered chemically or physically. Mobile units shall be considered a part of the manufacturing facility where the units are based.

(22) "Mixed fertilizer" is a fertilizer containing any combination or mixture of fertilizer materials.

(23) "Official sample" means any sample of commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material taken by an agent of the department and designated as "official" by the department.

(24) "Packaged fertilizer", "packaged soil conditioner", "packaged plant amendment", or "packaged agricultural liming material" means a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material, respectively, distributed in a closed container containing one hundred pounds or less.

(25) "Percent" or "percentage" means the percentage by weight.

(26) "Plant amendment and soil conditioner guaranteed analysis" means the percentage of each of the ingredients.

(27) "Plant amendments" means any device or substance applied to the soil, plants, or seeds which is intended to improve germination, growth, yield, product quality, reproduction, flavor, or other desirable characteristics of plants, except commercial fertilizers, soil amendments, agricultural liming materials, animal and vegetable manures, pesticides, plant regulators, and other materials which may be exempted by regulations promulgated by the commissioner.

(28) "Plant nutrients" are those chemical or organic forms of nitrogen (N), phosphorus (P₂O₅), potassium (K₂O), secondary and micronutrients, calcium (Ca), magnesium (Mg), sulfur (S), boron (B), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo), or zinc (Zn) which are absorbed by crops and provide the necessary food for the maintenance and growth of plants.

(29) "Registrant" means a person who is registered or is required to be registered to manufacture or distribute commercial fertilizers, soil conditioners, plant amendments, or agricultural liming materials under the provisions of this article.

(30) "Sewage sludge and sewage effluents" means all materials resulting from waste treatment which contain concentrations of organic or inorganic materials.

(31) "Soil conditioner" means a substance, defined by regulation of the commissioner, intended to improve the chemical or physical characteristics of the soil which is sold, offered for sale, or intended for sale. It does not include commercial fertilizers, plant amendments, agricultural liming materials, untreated animal or untreated vegetable manures, untreated peat moss, untreated peat humus, or any other materials that may be exempted by regulation of the commissioner. Soil conditioners may be sold in package or in bulk.

(32) "Specialty fertilizer" is a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, parks, cemeteries, greenhouses, hydroponic facilities, and nurseries.

(33) "Ton" means a net weight of two thousand pounds avoirdupois.

(34) (a) "Treated manures" means substances composed primarily of excreta, plant remains, sewage sludge and sewage effluents, or mixtures of such substances which have been treated in any manner, including mechanical drying, grinding, pelleting, or other means, or by adding other chemicals or substances.

(b) In "treated manures" the minimum percentages of total nitrogen, available phosphoric acid, and soluble or available potash are to be guaranteed, the guarantee being stated in multiples of half percentages.

(35) "Unit" means twenty pounds of plant food or one percent of a ton.
(36) "Untreated manures" means substances composed primarily of excreta, plant remains, or mixtures of such substances which have not been treated in any manner, including mechanical drying, grinding, pelleting, or other means, or by adding other chemicals or substances.

35-12-104. Registration.

(1) Each brand and grade of commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material shall be registered by the person whose name appears on the label before being distributed in, into, or for use in this state. The application for registration shall be submitted to the commissioner on forms furnished by the commissioner and shall be accompanied by a fee as established by the agricultural commission for the first brand; except that, on and after July 1, 2007, the fee shall be twenty-five dollars. The registrant shall pay a fee as established by the agricultural commission for each succeeding brand and a fee as established by the agricultural commission for each analysis under each separate brand or for any special analyzation or change in the same brand; except that, on and after July 1, 2007, the fee for each succeeding brand shall be ten dollars and the fee for each analysis or special analyzation or change shall be two dollars and fifty cents. All registrations shall expire on June 30 of each year. Each application for registration shall include the following information:

(a) The name and address of the registrant;
(b) The brand;
(c) The grade, if a commercial fertilizer;
(d) The guaranteed analysis;
(e) The sources from which the guaranteed plant nutrients, soil conditioner, plant amendment, or agricultural liming material derive;
(f) One copy of all labeling used in this state for promotion and sale of each of the products being registered.

(1.5) Notwithstanding the amount specified for any fee in subsection (1) of this section, the commissioner by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the commissioner by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

(2) and (3) Repealed.

(4) The commissioner may require proof of labeling statements and other claims made for any commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material before he approves any registration. If the registrant makes no claims, the commissioner may require proof of the usefulness and value of the commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material. As evidence of proof, the commissioner may rely on experimental data, evaluations, or advice furnished by experts such as Colorado state university and may accept or reject additional sources of proof in his evaluation of any commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material. In all cases, only experimental proof shall relate to those conditions in Colorado for which use the product is intended.

(5) Commercial fertilizer shall contain the minimum stipulated quantities of plant nutrients required by regulations promulgated by the commissioner.
(6) The commissioner may stipulate by regulation the quantities of active substances required in soil conditioners, plant amendments, or agricultural liming materials to be sold or distributed for use in this state.

(7) If a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material, not registered in the preceding year in this state, is sold or distributed for use in this state without a current registration, a penalty for failure to register as established by the agricultural commission shall be assessed against the person responsible for registration, with each day subsequent to the time of the first sale or distribution for use in the state deemed a separate, continuing violation. However, on or after July 1, 2007, the daily penalty shall be five dollars per day. The sum total of all such daily penalties shall not exceed five hundred dollars. Any and all such penalties shall constitute a debt and shall be paid by the registrant at the time the application for registration is submitted to the commissioner.

(8) Each manufacturing facility which produces custom formulated mixes and each distributor of bulk commercial fertilizers, bulk soil conditioners, bulk plant amendments, or bulk agricultural liming materials who does not produce registered commercial fertilizers, soil conditioners, plant amendments, or agricultural liming materials shall register on forms furnished by the commissioner. All registrations shall expire on June 30 of each year.

(9) The registration requirements of this section shall not apply to untreated animal manure, untreated vegetable manure, untreated peat moss, or untreated peat humus.

35-12-105. Labels.

(1) Any packaged commercial fertilizer distributed in this state shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:
   (a) The name and address of the registrant;
   (b) The net weight;
   (c) The brand and grade;
   (d) The guaranteed analysis in the form specified in section 35-12-103 (16) (a) (I) and in the order specified in section 35-12-103 (13) (a).

(2) Any commercial fertilizer distributed in this state in bulk shall be accompanied by a printed or written statement showing the information required in subsection (1) of this section.

(3) Any packaged soil conditioner or plant amendment distributed in this state shall have placed or affixed on the container a label setting forth in clearly legible and conspicuous form the following information:
   (a) The name and address of the registrant;
   (b) The net weight or other measure prescribed by regulation;
   (c) The brand;
   (d) An accurate statement of composition, including the percent of each soil conditioner ingredient or each plant amendment ingredient;
   (e) The purpose of the product;
   (f) Repealed.

(4) Any soil conditioner or plant amendment distributed in bulk in this state shall be accompanied by a printed or written statement showing the information required in subsection (3) of this section.

(5) Any customer formulated mix delivered in containers shall have placed on or affixed to the container a label, or if delivered in bulk, shall be accompanied by a printed or written statement, which label and statement shall set forth the following information:
(a) The name and address of the manufacturer;
(b) The net weight or measure as prescribed by regulation of the commissioner;
(c) The guaranteed analysis and quantity of each registered product contained in the mix.
(6) No product may be labeled, advertised, distributed, or sold as a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material unless its substance conforms to the applicable definitions prescribed in this article or in the rules and regulations promulgated by the commissioner pursuant to this article.
(7) Any agricultural liming material distributed, sold, or offered or advertised for sale in this state shall have placed on or affixed to each container a label or tag setting forth clearly in legible and conspicuous format least the following information:
(a) The name and address of the registrant;
(b) The net weight;
(c) The brand;
(d) The identification of the type;
(e) The calcium carbonate equivalent, determined by the approved methods of the association of official analytical chemists;
(f) The fineness, as defined in section 35-12-103 (14).
(8) Any agricultural liming material distributed in bulk in this state shall be accompanied by a printed or written statement showing the information required in subsection (7) of this section.
(9) No additional substances other than those allowed in section 35-12-103 (13) may be listed or guaranteed on a label or labeling or on a written statement accompanying the bulk distribution of commercial fertilizers, soil conditioners, plant amendments, or agricultural liming materials without the permission of the commissioner. The commissioner may allow additional substances to be listed or guaranteed on the label, labeling, or written statement if satisfactory supportive data is furnished to the commissioner in order to substantiate the value and usefulness of the substance. The commissioner may rely on sources other than the department, such as the Colorado state university, for assistance in evaluating the supportive data. If the commissioner permits such additional substances to be listed or guaranteed, the nature of the substances shall be determinable by laboratory methods. The substances shall be subject to inspection and analysis pursuant to methods and procedures prescribed by the commissioner as rules.
(10) The commissioner may allow or require commercial fertilizers, soil conditioners, plant amendments, or agricultural liming materials to be sold and labeled by volume in addition to or instead of by weight pursuant to rules and regulations promulgated by him.

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35-12-106. Inspection fees.
(1) A registrant, except those who package only in containers of ten pounds or less, shall pay the commissioner, for all commercial fertilizers, soil conditioners, plant amendments, or agricultural liming materials distributed in this state, an inspection fee as established by the agricultural commission; except that, on and after July 1, 2007, the inspection fee shall be twenty-five cents per ton. For the purpose of funding the groundwater protection fund created in section 25-8-205.5 (8), C.R.S., on and after January 1, 1991, an additional fee of fifty cents per ton of commercial fertilizer shall be paid to the commissioner. This increment of fifty cents per ton of commercial fertilizer shall be collected by the commissioner and transmitted to the state treasurer, who shall credit the same to the groundwater protection fund, created in section 25-8-205.5 (8); C.R.S.
(2) Registrants of specialty fertilizers, soil conditioners, plant amendments, or agricultural liming materials packaged in containers of ten pounds or less shall pay the commissioner, for all specialty fertilizers, soil conditioners, plant amendments, or agricultural liming materials distributed in this state, an inspection fee as established by the agricultural commission; except that, on and after July 1, 2007, the inspection fee shall be twenty-five cents per hundred pounds.

(3) Each person registering any commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material and each person producing custom formulated mixes in this state shall keep adequate records showing the pounds or tonnage shipped to or sold, offered or exposed for sale, or distributed in this state, and the commissioner or his duly authorized representatives have the authority to examine such records to verify the statement of pounds or tonnage.

(4) Each registrant shall file an affidavit semiannually within forty-five days after each January 1 and each July 1 with the commissioner which discloses the pounds or tonnage of commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material sold or distributed in the state during the preceding six-month period and other information as required by rules adopted by the department of agriculture. If the affidavit is not filed and the inspection fee is not paid within the forty-five-day period or if the report of pounds or tonnage is false, the commissioner may revoke the registration of such person, and, if the affidavit is not filed and the inspection fee is not paid within the forty-five-day period, a penalty of five dollars per day for each subsequent day shall be assessed. The inspection fee and the penalty shall constitute a debt and become the basis for a judgment against such person.

(5) When more than one person is involved in the distribution of a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material the last registrant is responsible for reporting the semiannual pounds or tonnage and paying the inspection fee.

(6) Inspection fees are not required for ingredients which have already been included in the tonnage or pounds for which a Colorado inspection fee has been paid.

(7) The inspection fees required to be paid by this section shall not apply to untreated animal manure, untreated vegetable manure, untreated peat moss, or untreated peat humus.

(8) Notwithstanding the amount specified for any fee in this section, the commissioner by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the commissioner by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

(9) All moneys collected pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to the inspection and consumer services cash fund, created in section 35-1-106.5 or, on or after July 1, 2007, to the general fund.

35-12-107. County tonnage reports. (Repealed).

35-12-108. Inspection, sampling, analysis.

(1) It is the duty of the commissioner to sample, inspect, make analyses of, and test commercial fertilizers, soil conditioners, plant amendments, and agricultural liming materials distributed within this state at such time and place and to such an extent as he deems advisable to determine whether such products are in compliance with the provisions of this article. The
commissioner, who may act through his authorized agent, is authorized to enter upon any public
or private premises or carriers during regular business hours in order to have access to
commercial fertilizers, soil conditioners, plant amendments, and agricultural liming materials
subject to the provisions of this article and the rules and regulations adopted by the
commissioner pursuant thereto.

(2) The methods of analysis and sampling shall be those adopted by the commissioner from
such sources as the association of official analytical chemists, Colorado state university, or other
authoritative sources deemed reliable by the commissioner.

(3) The commissioner, in determining for administrative purpose whether any commercial
fertilizer, soil conditioner, plant amendment, or agricultural liming material is in violation of this
article, shall base such determination solely upon official samples as defined in section 35-12-
103 (23) and obtained and analyzed in accordance with subsections (1) and (2) of this section.

(4) The result of an analysis of a sample of any commercial fertilizer, soil conditioner, plant
amendment, or agricultural liming material which indicates a deficiency shall be forwarded
promptly to the registrant. Upon request within thirty days of the date the analysis report is
forwarded, the commissioner shall furnish to the registrant a portion of any official sample. If,
within forty-five days after forwarding of the analysis report indicating a deficiency, no adequate
evidence contradicting the analysis report is made available to the commissioner, the report of
the sample analysis shall become official.

35-12-109. Deviation from guaranteed analysis - penalties.

(1) If an official analysis shows that a commercial fertilizer is deficient in one or more of its
guaranteed primary plant nutrients, nitrogen, available phosphoric acid, and soluble potash, beyond
the investigational allowance and compensations as established by regulation and if the overall
index value of the fertilizer is below the level established by regulation, the deficiency shall be
evaluated and a penalty of three times the commercial value of such deficiency in the lot of such
fertilizer represented by the sample shall be assessed by the commissioner against the registrant.

(2) If an official report of a sample analysis shows that a commercial fertilizer, soil
conditioner, plant amendment, or agricultural liming material is deficient beyond the
investigational allowance as established by regulation in any constituents guaranteed, other than
nitrogen, available phosphoric acid, and soluble potash, pursuant to section 35-12-103 (16) (a)
(III), the deficiency shall be evaluated and a penalty of three times the commercial value of the
deficiency, determined in accordance with the provisions of section 35-12-110, shall be assessed
against the registrant by the commissioner.

(3) All penalties assessed under this section shall be paid by the registrant of the deficient
commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material to the
consumer of the deficient commercial fertilizer, soil conditioner, plant amendment, or
agricultural liming material within three months after the date of notice from the commissioner
to the registrant. Receipt from such payment shall be taken and promptly forwarded to the
commissioner. If the purchaser or consumer cannot be found, the amount of the penalty shall be
paid to the state treasurer.

35-12-110. Commercial value.

(1) For the purpose of determining the commercial values to be applied under the penalty
assessment provisions of section 35-12-109, the commissioner shall determine the values under
the applicable provisions of the following:
(a) The value per unit of nitrogen, available phosphoric acid, and soluble potash shall be current market value.
(b) The value per unit of other plant nutrients, soil conditioner ingredients, plant amending ingredients, and agricultural liming materials shall be determined by reference to the invoice price.

35-12-111. Misbranding.
(1) No person shall distribute a misbranded product. A commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material is misbranded:
   (a) If its labeling is false or misleading in any particular;
   (b) If it is distributed under the name of another product;
   (c) If it is not labeled as required in section 35-12-105 and in accordance with regulations prescribed under this article;
   (d) If it purports to be or is represented as a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material, or is represented as containing a plant nutrient, commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material, unless the plant nutrient, commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material conforms to the definitions of terms prescribed by this article or under the regulations promulgated by the commissioner. In the adoption of such regulations due regard shall be given to commonly accepted definitions and official terms such as those issued by the association of American plant food control officials.
   (e) If it does not conform to the ingredient form, availability, minimums, labeling, and investigational allowances set forth in the rules and regulations promulgated by the commissioner.
(2) Untreated animal manure, untreated vegetable manure, untreated peat moss, or untreated peat humus is misbranded if not labeled to conform to the definitions of terms prescribed by this article or under the regulations promulgated by the commissioner or if its labeling is false or misleading.

35-12-112. Adulteration.
(1) No person shall distribute an adulterated product. A commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material is deemed adulterated:
   (a) If it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to beneficial plant, animal, or aquatic life, when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use, which may be necessary to protect beneficial plant, animal, or aquatic life, are not shown on the label;
   (b) If its composition falls below or differs from that which it is purported to possess by its labeling;
   (c) If it contains unwanted crop seed or weed seed.

35-12-113. Publications.
The commissioner shall publish at least annually, in such form as he deems proper, information concerning the sales of commercial fertilizers, soil conditioners, plant amendments, and agricultural liming materials, together with such data on their production and use as he considers advisable, and a report of the results of the analyses based on official samples of commercial fertilizers, soil conditioners, plant amendments, and agricultural liming materials sold within the state as compared with the analyses guaranteed under sections 35-12-103 (16), 35-12-104, and 35-12-105. The information concerning production and use of commercial fertilizers, soil...
conditioners, plant amendments, and agricultural liming materials shall be shown separately for the periods July 1 to December 31 and January 1 to June 30 of each year, and no disclosure shall be made of the operations of any person.

35-12-114. Rules and regulations.
The commissioner or his authorized agent is authorized, pursuant to section 24-4-103, C.R.S., to adopt and enforce rules and regulations relating to sampling, analytical methods, ingredient form, availability, minimums, exempted materials, investigational allowances, definitions, records, labels, labeling, liability bond, misbranding, mislabeling, and the distribution of commercial fertilizers, specialty fertilizers, and soil conditioners, plant amendments, and agricultural liming materials as may be necessary to carry into effect the full intent and meaning of this article.

35-12-115. Short weight.
If any commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material in the possession of the consumer is found by the commissioner to be short in weight, the registrant or manufacturing facility of the commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material shall, within thirty days after official notice from the commissioner, pay to the consumer an amount equal to four times the value of the actual shortage.

35-12-116. Cancellation of registration or refusal to register.
The commissioner may revoke or suspend the registration of or may refuse to register any grade and brand name of commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material, or custom formulated plant mix, or distributor of bulk agricultural fertilizer, soil conditioner, plant amendments, and agricultural liming materials, upon a finding supported by satisfactory evidence that the registrant or person applying for registration has violated any provision of this article. No registration shall be refused, suspended, or revoked until the registrant has been given the opportunity of a hearing pursuant to section 24-4-105, C.R.S.

35-12-117. Stop sale, stop use, or removal orders.
The commissioner may issue and enforce a written or printed stop sale, stop use, or removal order directed to the owner or custodian of any lot of commercial fertilizer, soil conditioner, plant amendment, agricultural liming material, manure, peat moss, or peat humus when the commissioner finds the commercial fertilizer, soil conditioner, plant amendment, agricultural liming material, manure, peat moss, or peat humus is being offered or exposed for sale or use or is being used in violation of any of the provisions of this article. The commissioner shall release the commercial fertilizer, soil conditioner, plant amendment, agricultural liming material, manure, peat moss, or peat humus from the order when the owner or custodian has complied with requirements of this article and has paid all costs and expenses incurred in connection with the entry and enforcement of such order.

35-12-118. Seizure, condemnation, and sale.
Any lot of commercial fertilizer, soil conditioner, plant amendment, agricultural liming material, manure, peat moss, or peat humus which is in violation of this article shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the county in which the
product is located. In the event the court finds the product to be in violation of this article and orders the condemnation of the product, it shall be disposed of in any manner consistent with the quality of the product and the laws of this state. In no instance shall the disposition of the commercial fertilizer, soil conditioner, plant amendment, agricultural, liming material, manure, peat moss, or peat humus be ordered by the court without first affording the owner an opportunity to apply to the court for release of the product or for permission to process or relabel the product to bring it into compliance with this article.

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35-12-119. Violations - penalty.

(1) Any person convicted of violating any provision of this article or any rule or regulation adopted under it may be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense and not less than one hundred dollars nor more than five hundred dollars for any subsequent offense committed within a three-year period after a prior conviction.

(2) Upon learning of a violation or alleged violation of this article, the commissioner may investigate and hold a hearing concerning the nature and extent of the violation. If the commissioner finds that the violation is minor or that the public interest will be adequately served by the issuance of an administrative warning, he may issue a written warning to the alleged violator. If the commissioner finds that the violation is gross, willful, or repeated, he may file a complaint and institute prosecution through an appropriate district attorney. After conviction in such a prosecution, the fact and circumstances of any previous administrative warning to the violator may be considered by the court as bearing upon the amount of the fine to be assessed.

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35-12-120. Exchange between manufacturers.

Nothing in this article shall be construed to restrict or avoid sales or exchanges of commercial fertilizers, soil conditioners, plant amendments, or agricultural liming material to each other by importers, manufacturers, or manipulators who mix these materials for sale or to prevent the free and unrestricted shipments of commercial fertilizers, soil conditioners, plant amendments, or agricultural liming materials to manufacturers or manipulators who have registered as required by the provisions of this article.