

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 144
SENATE BILL 519

AN ACT TO IMPROVE THE ENFORCEMENT OF THE NORTH CAROLINA
LIMING MATERIALS AND LANDPLASTER ACT.

The General Assembly of North Carolina enacts:

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

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

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

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

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

"§ 106-92.12. 'Stop sale' orders.

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 The Commissioner shall release the agricultural liming materials or landplaster so withdrawn, when the requirements of the provisions of this Article have been complied with and all costs and expense incurred in connection with the withdrawal have been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

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

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

In the General Assembly read three times and ratified this the 10th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives