

State of Wisconsin



2025 Senate Bill 78

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to renumber 94.64 (1) (a); to amend 94.64 (3m) (a) (intro.), 94.64 (3m) (a) 1., 94.64 (9) (c), 94.65 (4) (a) (intro.) and 94.65 (4) (b); to create 94.64 (1) (ag), 94.64 (1) (u), 94.64 (2) (f), 94.64 (3m) (a) 3., 94.65 (1) (bm), 94.65 (1) (fm) and 94.65 (5m) of the statutes; relating to: the distribution and labeling of fertilizers and soil or plant additives produced from manure.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 94.64 (1) (a) of the statutes is renumbered 94.64 (1) (ar).

SECTION 2. 94.64 (1) (ag) of the statutes is created to read:

94.64 (1) (ag) "Beneficial substance" means a substance other than a plant nutrient that improves the nourishment of cultivated plants or improves the physical, chemical, or biological properties of soil.

SECTION 3. 94.64 (1) (u) of the statutes is created to read:

94.64 (1) (u) "Vermicompost" means a mixture of composted materials and worm castings produced from a composting process that uses earthworms.

SECTION 4. 94.64 (2) (f) of the statutes is created to read:

94.64 (2) (f) Notwithstanding pars. (a) 3. and 4., (b) 5. and 6., and (e), all of the following apply to a label or written or printed invoice or statement pertaining to a fertilizer produced from converting unmanipulated animal or vegetable manure into compost or vermicompost and their derivatives:

1. If the label, invoice, or statement includes a typical analysis, as defined in s. 94.65 (1) (fm), of the plant

nutrients contained in the fertilizer, the label, invoice, or statement is not required to include a grade or guaranteed analysis for a plant nutrient.

2. If the truthfulness of a representation made by a label, invoice, or statement about the amount of plant nutrients contained in the fertilizer is substantiated by a typical analysis, as defined in s. 94.65 (1) (fm), or other scientifically validated analytical method, the representation is not required to be substantiated by a guaranteed analysis.

3. If the truthfulness of a representation made by a label, invoice, or statement about the amount of beneficial substances contained in the fertilizer is substantiated by a typical analysis, as defined in s. 94.65 (1) (fm), or other scientifically validated analytical method, the representation is not required to be substantiated by a guaranteed analysis.

SECTION 5. 94.64 (3m) (a) (intro.) of the statutes is amended to read:

94.64 (3m) (a) (intro.) No person may distribute mixed fertilizer in which the sum of the guarantees for nitrogen, available phosphate, and soluble potash totals less than 24 percent unless any of the following applies:

SECTION 6. 94.64 (3m) (a) 1. of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

94.64 (3m) (a) 1. The mixed fertilizer is exempted from this requirement by department rule; ~~or~~ under sub. (9) (g).

SECTION 7. 94.64 (3m) (a) 3. of the statutes is created to read:

94.64 (3m) (a) 3. The mixed fertilizer is produced from converting unmanipulated animal or vegetable manure into compost or vermicompost and their derivatives.

SECTION 8. 94.64 (9) (c) of the statutes is amended to read:

94.64 (9) (c) Governing methods of sampling, testing, examining and analyzing fertilizer, except that no rule under this paragraph may exclude the use of typical analysis, as defined in s. 94.65 (1) (fm), or other scientifically validated analytical methods for substantiating the truthfulness of representations made under sub. (2) (f) 2. or 3.

SECTION 9. 94.65 (1) (bm) of the statutes is created to read:

94.65 (1) (bm) “Compost-based soil or plant additive” means a soil or plant additive that is produced from converting unmanipulated animal or vegetable manure into compost or vermicompost, as defined in s. 94.64 (1) (u), and their derivatives.

SECTION 10. 94.65 (1) (fm) of the statutes is created to read:

94.65 (1) (fm) “Typical analysis” means an analysis of contents that is based on the average amount of substances contained.

SECTION 11. 94.65 (4) (a) (intro.) of the statutes is amended to read:

94.65 (4) (a) (intro.) As a condition to the issuance of a permit or amended permit under sub. (3), the department, subject to sub. (5m), may require that the applicant substantiate, by scientific evidence:

SECTION 12. 94.65 (4) (b) of the statutes is amended to read:

94.65 (4) (b) ~~The Subject to sub. (5m) (a),~~ the department may require that the substantiation under par. (a) 1. include replicable results of controlled experimental studies using the soil or plant additive, the names and qualifications of the researchers performing the studies and a complete description of the conditions and procedures of the studies.

SECTION 13. 94.65 (5m) of the statutes is created to read:

94.65 (5m) COMPOST-BASED SOIL OR PLANT ADDITIVES. (a) The department may not require that the substantiation under sub. (4) (a) and (b) related to a compost-based soil or plant additive include a controlled experimental field test.

(b) If the truthfulness of a statement on a proposed soil or plant additive label or in a permit or amended permit application is substantiated by a typical analysis and the proposed soil or plant additive is a compost-based soil or plant additive, the department may not require the truthfulness of the statement to be substantiated by a guaranteed analysis.

(c) Notwithstanding sub. (5) (f), if a compost-based soil or plant additive is labeled with a typical analysis of its contents, the compost-based soil or plant additive is not required to be labeled with a guaranteed analysis of its contents.
