

REGULATION OF SALE OF CERTAIN SEEDS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Eli H. Anderson

AN ACT RELATING TO AGRICULTURE; PROVIDING THAT SEED MAY BE LABELED AS "VARIETY NOT STATED" IF ALLOWED BY RULE OF THE DEPARTMENT OF AGRICULTURE AND FOOD.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

4-16-4, as last amended by Chapter 81, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-16-4** is amended to read:

4-16-4. Labeling requirements specified for containers of agricultural seed, mixtures of lawn and turf seed, vegetable seed, flower seed, tree and shrub seed, and seeds for sprouting.

(1) Each container of agricultural seed offered or exposed for sale or transported for sowing into this state shall be labeled with the following information:

(a) the common name of the kind or kind and variety of each seed component in excess of 5% by weight of the whole and the percent by weight of each component in the order of its predominance, provided that:

(i) [~~that~~] if any component is required by [~~regulation~~] rule of the department to be labeled as a variety, the label, in addition to stating the common name of the seed, shall specify the name of the variety or, if allowed by rule of the department, state "Variety Not Stated";

(ii) [~~that~~] if any component is a hybrid seed, that fact shall be stated on the label; and

(iii) [~~that~~] if more than one component is required to be named, the word "mixture" shall appear;

(b) the name and address of the person who labeled the seed, or who offers or exposes it for sale in this state;

(c) the lot number or other lot identification;

- (d) the percentage by weight of all weed seeds;
 - (e) the percentage by weight of agricultural or crop seeds other than those named on the label;
 - (f) the percentage by weight of inert matter;
 - (g) the name and rate of occurrence per pound of each kind of restricted noxious-weed seed for which tolerance is permitted;
 - (h) the origin, if known, of alfalfa, red clover, or field corn and, if the origin is unknown, that fact shall be stated; and
 - (i) the month and year seed tests were conducted specifying:
 - (i) percent of germination, exclusive of hard seed;
 - (ii) percent of hard seed; and
 - (iii) total percent of germination and hard seed.
- (2) Each container of seed mixtures for lawn or turf seed offered or exposed for sale or transported for sowing into this state shall be labeled with the following information:
- (a) the common name of the kind or kind and variety of each agricultural seed component in excess of 5% by weight of the whole, and the percentage by weight of pure seed in order of its predominance in columnar form;
 - (b) the name and address of the person who labeled the seed, or who offers or exposes it for sale in this state;
 - (c) the lot number or other lot identification;
 - (d) the percentage by weight of all weed seeds;
 - (e) the percentage by weight of agricultural seeds or crop seeds other than those required to be named on the label;
 - (f) the percentage by weight of inert matter;
 - (g) the name and rate of occurrence per pound of each kind of restricted noxious-weed seed for which tolerance is permitted;
 - (h) the month and year seed tests were conducted specifying:
 - (i) percent of germination, exclusive of hard seed; and

- (ii) percent of hard seed;
- (i) the word "mixed" or "mixture"; and
- (j) its net weight.

(3) Each container of vegetable seeds weighing one pound or less offered or exposed for sale or prepared for home gardens or household plantings or preplanted in containers, mats, tapes, or other devices shall be labeled with the following information:

- (a) the common name of the kind and variety of seed;
- (b) the name and address of the person who labeled the seed, or who offers or exposes it for sale in this state;
- (c) the calendar month and year the seed was tested or the year for which the seed was packaged;
- (d) if germination of the seed is less than the germination standard last established for the seed by the department, the label shall specify:
 - (i) percentage of germination, exclusive of hard seed;
 - (ii) percentage of hard seed, if present;
 - (iii) the calendar month and year the germination test was completed to determine the percentages; and
 - (iv) the words "Below Standard" in not less than eight-point type; and
- (e) if the seeds are placed in a germination medium, mat, tape, or other device which makes it difficult to determine the quantity of the seed without removing the seeds, a statement to indicate the minimum number of seeds in the container.

(4) Each container of vegetable seeds weighing more than one pound offered or exposed for sale or transported for sowing into this state shall be labeled with the following information:

- (a) the common name of each kind and variety of seed component present in excess of 5% by weight of the whole and the percentage by weight of each in order of its predominance;
- (b) the name and address of the person who labeled the seed, or who offers or exposes it for sale in this state;
- (c) the lot number or other lot identification;

(d) the month and year seed tests were conducted specifying:
(i) the percentage of germination, exclusive of hard seed; and
(ii) the percentage of hard seed, if present; and
(e) the name and rate of occurrence per pound of each kind of restricted noxious-weed seed for which tolerance is permitted.

(5) Each container of flower seeds prepared in packets for use in home flower gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices and offered or exposed for sale in this state shall be labeled with the following information:

- (a) the common name of the kind and variety of the seeds or a statement of the type and performance characteristics of the seed;
- (b) the name and address of the person who labeled the seed, or who offers or exposes it for sale in this state;
- (c) the calendar month and year the seed was tested or the year for which the seed was packaged;
- (d) if germination of the seed is less than the germination standard last established by the department, the label shall specify:
- (i) percentage of germination, exclusive of hard seed;
- (ii) percentage of hard seed, if present; and
- (iii) the words "Below Standard" in not less than eight-point type; and
- (e) if the seeds are placed in a germination medium, mat, tape, or other device which makes it difficult to determine the quantity of seed without removing the seeds, a statement to indicate the minimum number of seeds in the container.

(6) Each container of flower seeds in other than packets prepared for use in home flower gardens or household plantings and other than in preplanted containers, mats, tapes, and other devices offered or exposed for sale in this state shall be labeled with the following information:

- (a) the common name of the kind and variety of the seed or a statement of the type and performance characteristics of the seed;
- (b) the name and address of the person who labeled the seed, or who offers or exposes it for

sale in this state;

- (c) the lot number or other lot identification;
- (d) the month and year the seed was tested, or the year for which it was packaged; and
- (e) for those kinds of seeds for which standard testing procedures are prescribed:
 - (i) the percentage of germination, exclusive of hard seed; and
 - (ii) the percentage of hard seed, if present.

(7) Each container of tree and shrub seeds offered or exposed for sale or transported for sowing into this state shall be labeled with the following information:

- (a) the common name of the species of seed and subspecies, if appropriate;
- (b) the scientific name of the genus and species and subspecies, if appropriate;
- (c) the name and address of the person who labeled the seed or who offers or exposes it for sale in this state;
 - (d) the lot number or other lot identification;
 - (e) information as to origin as follows:
 - (i) for seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county; and
 - (ii) for seed collected from other than a predominantly indigenous stand, identity of the area of collection and the origin of the stand or state "origin not indigenous";
 - (f) the elevation or the upper and lower limits of elevation within which said seed was collected;
 - (g) purity as a percentage of pure seed by weight;
 - (h) for those species for which standard germination testing procedures are prescribed by the commissioner, the following:
 - (i) percentage of germination, exclusive of hard seed;
 - (ii) percentage of hard seed, if present; and
 - (iii) the calendar month and year the test was completed to determine such percentages; and
 - (i) for those species for which standard germination testing procedures have not been prescribed by the commissioner, the calendar year in which the seed was collected.

(8) Each container of seeds for sprouting offered or exposed for sale or transported for sowing into this state shall be labeled with the following information:

(a) the name and address of the person who labeled the seed, or who offers or exposes it for sale in this state;

(b) the commonly accepted name of the kind or kinds in order of predominance;

(c) lot number;

(d) percentage by weight of each pure seed component in excess of 5% of the whole, other crop seeds, inert matter, and weed seeds, if any;

(e) percentage of germination of each pure seed component; and

(f) the calendar month and year the seed was tested or the year for which the seed was packaged.

(9) Any written or printed matter of any label shall appear in English.