

1 **REGULATION OF SALE OF CERTAIN SEEDS**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Eli H. Anderson**

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

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

9 AMENDS:

10 **4-16-4**, as last amended by Chapter 81, Laws of Utah 1997

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

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

13 **4-16-4. Labeling requirements specified for containers of agricultural seed, mixtures**
14 **of lawn and turf seed, vegetable seed, flower seed, tree and shrub seed, and seeds for**
15 **sprouting.**

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

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

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

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

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

27 (b) the name and address of the person who labeled the seed, or who offers or exposes it

28 for sale in this state;

29 (c) the lot number or other lot identification;

30 (d) the percentage by weight of all weed seeds;

31 (e) the percentage by weight of agricultural or crop seeds other than those named on the
32 label;

33 (f) the percentage by weight of inert matter;

34 (g) the name and rate of occurrence per pound of each kind of restricted noxious-weed
35 seed for which tolerance is permitted;

36 (h) the origin, if known, of alfalfa, red clover, or field corn and, if the origin is unknown,
37 that fact shall be stated; and

38 (i) the month and year seed tests were conducted specifying:

39 (i) percent of germination, exclusive of hard seed;

40 (ii) percent of hard seed; and

41 (iii) total percent of germination and hard seed.

42 (2) Each container of seed mixtures for lawn or turf seed offered or exposed for sale or
43 transported for sowing into this state shall be labeled with the following information:

44 (a) the common name of the kind or kind and variety of each agricultural seed component
45 in excess of 5% by weight of the whole, and the percentage by weight of pure seed in order of its
46 predominance in columnar form;

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

49 (c) the lot number or other lot identification;

50 (d) the percentage by weight of all weed seeds;

51 (e) the percentage by weight of agricultural seeds or crop seeds other than those required
52 to be named on the label;

53 (f) the percentage by weight of inert matter;

54 (g) the name and rate of occurrence per pound of each kind of restricted noxious-weed
55 seed for which tolerance is permitted;

56 (h) the month and year seed tests were conducted specifying:

57 (i) percent of germination, exclusive of hard seed; and

58 (ii) percent of hard seed;

- 59 (i) the word "mixed" or "mixture"; and
- 60 (j) its net weight.

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

- 64 (a) the common name of the kind and variety of seed;
- 65 (b) the name and address of the person who labeled the seed, or who offers or exposes it
66 for sale in this state;

- 67 (c) the calendar month and year the seed was tested or the year for which the seed was
68 packaged;

- 69 (d) if germination of the seed is less than the germination standard last established for the
70 seed by the department, the label shall specify:

- 71 (i) percentage of germination, exclusive of hard seed;
- 72 (ii) percentage of hard seed, if present;
- 73 (iii) the calendar month and year the germination test was completed to determine the
74 percentages; and

- 75 (iv) the words "Below Standard" in not less than eight-point type; and

- 76 (e) if the seeds are placed in a germination medium, mat, tape, or other device which
77 makes it difficult to determine the quantity of the seed without removing the seeds, a statement to
78 indicate the minimum number of seeds in the container.

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

- 81 (a) the common name of each kind and variety of seed component present in excess of 5%
82 by weight of the whole and the percentage by weight of each in order of its predominance;

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

- 85 (c) the lot number or other lot identification;

- 86 (d) the month and year seed tests were conducted specifying:

- 87 (i) the percentage of germination, exclusive of hard seed; and
- 88 (ii) the percentage of hard seed, if present; and

- 89 (e) the name and rate of occurrence per pound of each kind of restricted noxious-weed

90 seed for which tolerance is permitted.

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

94 (a) the common name of the kind and variety of the seeds or a statement of the type and
95 performance characteristics of the seed;

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

98 (c) the calendar month and year the seed was tested or the year for which the seed was
99 packaged;

100 (d) if germination of the seed is less than the germination standard last established by the
101 department, the label shall specify:

102 (i) percentage of germination, exclusive of hard seed;

103 (ii) percentage of hard seed, if present; and

104 (iii) the words "Below Standard" in not less than eight-point type; and

105 (e) if the seeds are placed in a germination medium, mat, tape, or other device which
106 makes it difficult to determine the quantity of seed without removing the seeds, a statement to
107 indicate the minimum number of seeds in the container.

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

111 (a) the common name of the kind and variety of the seed or a statement of the type and
112 performance characteristics of the seed;

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

115 (c) the lot number or other lot identification;

116 (d) the month and year the seed was tested, or the year for which it was packaged; and

117 (e) for those kinds of seeds for which standard testing procedures are prescribed:

118 (i) the percentage of germination, exclusive of hard seed; and

119 (ii) the percentage of hard seed, if present.

120 (7) Each container of tree and shrub seeds offered or exposed for sale or transported for

121 sowing into this state shall be labeled with the following information:

- 122 (a) the common name of the species of seed and subspecies, if appropriate;
- 123 (b) the scientific name of the genus and species and subspecies, if appropriate;
- 124 (c) the name and address of the person who labeled the seed or who offers or exposes it

125 for sale in this state;

126 (d) the lot number or other lot identification;

127 (e) information as to origin as follows:

128 (i) for seed collected from a predominantly indigenous stand, the area of collection given
129 by latitude and longitude, or geographic description, or political subdivision such as state or
130 county; and

131 (ii) for seed collected from other than a predominantly indigenous stand, identity of the
132 area of collection and the origin of the stand or state "origin not indigenous";

133 (f) the elevation or the upper and lower limits of elevation within which said seed was
134 collected;

135 (g) purity as a percentage of pure seed by weight;

136 (h) for those species for which standard germination testing procedures are prescribed by
137 the commissioner, the following:

138 (i) percentage of germination, exclusive of hard seed;

139 (ii) percentage of hard seed, if present; and

140 (iii) the calendar month and year the test was completed to determine such percentages;

141 and

142 (i) for those species for which standard germination testing procedures have not been
143 prescribed by the commissioner, the calendar year in which the seed was collected.

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

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

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

149 (c) lot number;

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

- 152 (e) percentage of germination of each pure seed component; and
- 153 (f) the calendar month and year the seed was tested or the year for which the seed was
- 154 packaged.
- 155 (9) Any written or printed matter of any label shall appear in English.

Legislative Review Note
as of 11-24-98 7:33 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel