

1 **UTAH SEEDS AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steven J. Lund**

5 Senate Sponsor: Derrin R. Owens

---

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses regulation of seeds.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies a definition provision;
- 13 ▶ addresses labeling requirements; and
- 14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **4-16-102**, as last amended by Laws of Utah 2018, Chapter 355

22 **4-16-201**, as last amended by Laws of Utah 2018, Chapter 355

---

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

25 Section 1. Section **4-16-102** is amended to read:

26 **4-16-102. Definitions.**

27 As used in this chapter:

28 (1) "Advertisement" means any representation made relative to seeds, plants, bulbs, or  
29 ground stock other than those on the label of a seed container, disseminated in any manner.

- 30 (2) "Agricultural seed" includes:
- 31 (a) grass, forage, cereal, oil, fiber, and other kinds of crop seed commonly recognized
- 32 within this state as agricultural seed;
- 33 (b) lawn seed;
- 34 (c) combinations of the seed described in Subsections (2)(a) and (2)(b); and
- 35 (d) noxious weed seed, if the department determines by rule made in accordance with
- 36 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that a noxious weed seed is being
- 37 used as agricultural seed.
- 38 (3) "Blend" means seed consisting of more than one variety of a kind, each in excess of
- 39 5% by weight of the whole.
- 40 (4) "Brand" means a word, name, symbol, number, or design used to:
- 41 (a) identify the seed of one person; and
- 42 (b) distinguish the seed of one person from the seed of another person.
- 43 (5) "Certifying agency" means:
- 44 (a) an agency authorized under the laws of a state, territory, or possession to officially
- 45 certify seed and that has standards and procedures approved by the United States Secretary of
- 46 Agriculture to assure the genetic purity and identity of the seed certified; or
- 47 (b) an agency of a foreign country determined by the United States Secretary of
- 48 Agriculture to adhere to procedures and standards for seed certification.
- 49 (6) (a) "Complete record" means all information that relates to the:
- 50 (i) origin, treatment, germination, purity, kind, and variety of each lot of agricultural
- 51 seed sold in this state; or
- 52 (ii) treatment, germination, kind, and variety of each lot of vegetable or flower seed
- 53 sold in this state.
- 54 (b) "Complete record" includes seed samples and records of declarations, labels,
- 55 purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests, and
- 56 examinations.
- 57 (7) "Conditioning" means drying, cleaning, scarifying, and other operations that:

58 (a) could change the purity or germination of a seed; and  
59 (b) require a seed lot to be retested to determine the label information.  
60 (8) "Controlling the pollination" means to use a method of hybridization that will  
61 produce pure seed that is at least 75% hybrid seed.

62 [~~(8)~~] (9) "Dormant" means viable seed, excluding hard seed, that fail to germinate  
63 when provided the specified germination conditions for the kind of seed in question.

64 [~~(9)~~] (10) "Flower seed" includes the seed of herbaceous plants that are:  
65 (a) grown for their blooms, ornamental foliage, or other ornamental parts; and  
66 (b) commonly known and sold under the name of flower or wildflower seed in this  
67 state.

68 [~~(10)~~] (11) "Foundation seed," "registered seed," or "certified seed" means seed that is  
69 produced and labeled in accordance with procedures officially recognized by a seed certifying  
70 agency approved and accredited in this state.

71 [~~(11)~~] (12) "Germination" means the emergence and development from the seed  
72 embryo of those essential structures that are, for the kind of seed in question, indicative of the  
73 ability to produce a normal plant under favorable conditions expressed in whole numbers.

74 [~~(12)~~] (13) "Hard seed" means seed that remains hard at the end of the prescribed  
75 germination test period because the seed has not absorbed water due to an impermeable seed  
76 coat.

77 [~~(13)(a)~~] "Hybrid" means the first generation seed of a cross produced by controlling  
78 pollination and by combining:]

79 [(i) two or more inbred lines;]

80 [(ii) one inbred or a single cross with an open-pollinated variety; or]

81 [(iii) two varieties or species, except open-pollinated varieties of corn, *Zea mays*.]

82 [(b) "Hybrid" does not mean the second generation or subsequent generations from the  
83 crosses referred to in Subsection (13)(a).]

84 (14) (a) "Hybrid" applied to kinds or varieties of seed, means the first generation seed  
85 of a cross produced by controlling the pollination and by combining:

- 86            (i) two or more inbred lines;
- 87            (ii) one inbred or a single cross with an open pollinated variety; or
- 88            (iii) two selected clones, seed lines, varieties, or species.
- 89            (b) The department shall treat hybrid designations as variety names.
- 90            [~~14~~] (15) "Inert matter" means all matter that is not seed, including broken seeds,
- 91 sterile florets, chaff, fungus bodies, and stones, as determined by methods defined by rule.
- 92            (16) "Inoculant" means a commercial preparation containing nitrogen-fixing bacteria
- 93 applied to seed.
- 94            [~~15~~] (17) "Kind" means one or more related species or subspecies of seed that singly
- 95 or collectively are known by one common name, for example, corn, oats, alfalfa, and timothy.
- 96            [~~16~~] (18) (a) "Label" means any written, printed, or graphic representation
- 97 accompanying and pertaining to any seeds, plants, bulbs, or ground stock whether in bulk or in
- 98 containers.
- 99            (b) "Label" includes a representation on an invoice, bill, or letterhead.
- 100            [~~17~~] (19) "Labeling" includes a tag or other device attached to, written, stamped, or
- 101 printed on a container or accompanying a lot of bulk seeds that:
- 102            (a) claims to specify the information required on the seed label by this chapter; and
- 103            (b) may include other information related to the labeled seed.
- 104            [~~18~~] (20) "Lot" means a definite quantity of seed identified by a number or other
- 105 mark, every portion or bag of which is uniform within recognized tolerances for the factors that
- 106 appear in the labeling.
- 107            [~~19~~] (21) "Mixture" or "mix" or "mixed" means seed consisting of more than one
- 108 kind, each in excess of 5% by weight of the whole.
- 109            [~~20~~] (22) "Mulch" means a protective covering of a suitable substance placed with
- 110 seed that:
- 111            (a) acts to retain sufficient moisture to support seed germination and sustain early
- 112 seedling growth;
- 113            (b) aids in the prevention of the evaporation of soil moisture;

114 (c) aids in the control of weeds; and

115 (d) aids in the prevention of erosion.

116 [~~(21)~~ "Noxious weed seed" means weed seed declared noxious by the commissioner in  
117 accordance with Section ~~4-17-103~~.]

118 (23) "Noxious weed seeds" means:

119 (a) prohibited noxious weed seeds; or

120 (b) restricted noxious weed seeds.

121 [~~(22)~~ (24) (a) "Off-type" means a seed or plant not part of the variety because the seed  
122 or plant deviates in one or more characteristics from the variety.

123 (b) "Off-type" may include a seed or plant that:

124 (i) is of another variety;

125 (ii) is not necessarily any variety;

126 (iii) results from cross-pollination by another kind or variety; or

127 (iv) results from uncontrolled self-pollination during production of hybrid seeds.

128 [~~(23)~~ (25) "Origin" means:

129 (a) for an indigenous stand of trees, the area on which the trees are growing; and

130 (b) for a nonindigenous stand of trees, the place from which the seeds or plants  
131 originated.

132 [~~(24)~~ (26) "Other crop seed" means the seed of plants grown as crops other than the  
133 kind or variety included in the pure seed, as determined by methods defined by rule.

134 [~~(25)~~ (27) "Person" means an individual, partnership, corporation, company,  
135 association, receiver, trustee, or agent.

136 (28) (a) "Prohibited noxious weed seeds" means those weed seeds determined by the  
137 commissioner that are prohibited from being present in agricultural, vegetable, flower, tree, or  
138 shrub seed.

139 (b) "Prohibited noxious weed seeds" include the seeds of weeds that are highly  
140 destructive and difficult to control by good cultural practices and the use of herbicides.

141 [~~(26)~~ (29) "Pure seed" means seed exclusive of inert matter and all other seed not of

142 the seed being considered as determined by methods defined by rule.

143 (30) "Restricted noxious weed seeds" means those weed seeds determined by the  
144 commissioner that:

145 (a) are objectionable in agricultural crops, lawns, and gardens of this state; and

146 (b) can be controlled by good cultural practices or the use of herbicides.

147 [~~27~~] (31) "Seed for sprouting" means seed sold for sprouting for salad or culinary  
148 purposes.

149 [~~28~~] (32) "Sowing" means the placement of agricultural seed, vegetable seed, flower  
150 seed, tree and shrub seed, or seed for sprouting in a selected environment for the purpose of  
151 obtaining plant growth.

152 [~~29~~] (33) "Tetrazolium test (TZ)" means a biochemical seed viability test using the  
153 compound 2, 3, 5 triphenyl tetrazolium chloride (TTC), as specified in Part II, Tetrazolium  
154 Testing Handbook, Contribution Number 29, to the handbook on Seed Testing, prepared by the  
155 Tetrazolium subcommittee of the Association of Official Seed Analysts, 2008 Edition.

156 [~~30~~] (34) "Total viable" is:

157 (a) equal to the sum of percentage germination, percentage dormant seed, and  
158 percentage hard seed; or

159 (b) determined by a tetrazolium test for species identified in the rules for testing or for  
160 species for which there are no rules for testing.

161 [~~31~~] (35) "Treated" means that a seed has received an application of a substance or  
162 been subjected to a process about which a claim is made.

163 [~~32~~] (36) "Tree and shrub seed" includes seed of woody plants commonly known and  
164 sold as tree and shrub seeds in this state.

165 [~~33~~] (37) "Type" means a group of varieties so nearly similar that the individual  
166 varieties cannot be clearly differentiated except under special conditions.

167 [~~34~~] (38) (a) "Variant" means a seed or plant that:

168 (i) is distinct within the variety but occurs naturally in the variety;

169 (ii) is stable and predictable with a degree of reliability comparable to other varieties of

170 the same kind, within recognized tolerances, when the variety is reproduced or reconstituted;  
171 and

172 (iii) was originally a part of the variety as released.

173 (b) "Variant" does not include an off-type.

174 [(35)] (39) "Variety" means a subdivision of a kind that is:

175 (a) distinct, meaning a variety can be differentiated by one or more identifiable  
176 morphological, physiological, or other characteristics from all other varieties of public  
177 knowledge;

178 (b) uniform, meaning that variations in essential and distinctive characteristics are  
179 describable; and

180 (c) stable, meaning a variety's essential and distinctive characteristics and uniformity  
181 will remain unchanged when reproduced or reconstituted as required by the category of variety.

182 [(36)] (40) "Vegetable seed" includes the seed of those crops that are:

183 (a) grown in gardens or on truck farms; and

184 (b) generally known and sold under the name of vegetable or herb seed in this state.

185 [(37)] (41) "Weed seed" means the seed of all plants generally recognized as weeds  
186 within this state, as determined by methods defined by rule.

187 (42) "Weight" means the net weight of the commodity.

188 Section 2. Section **4-16-201** is amended to read:

189 **4-16-201. Labeling requirements.**

190 (1) [Each] A container of seed that is transported, sold, offered, or exposed for sale  
191 within this state shall bear [~~thereon~~] on the container or have attached [~~thereto~~] to the container  
192 a printed label that:

193 (a) is in a conspicuous place;

194 (b) is plainly written in the English language;

195 (c) is in type no smaller than eight point;

196 [~~(c)~~] (d) specifies the information required by this chapter; and

197 [~~(d)~~] (e) does not modify or deny the information required by this chapter in the

198 labeling or on another label attached to the container.

199 (2) [Each] A container of agricultural seed offered or exposed for sale or transported  
200 for sowing into this state shall be labeled with the following information:

201 (a) name of the kind and variety for each seed component in excess of 5% of the whole  
202 and the percentage by weight of each component in the order of its predominance in columnar  
203 form, provided that:

204 (i) the label shall specify the name of the variety or state "Variety Not Stated" or  
205 "VNS," for any component that is required by rule of the department to be labeled as a variety;

206 (ii) a hybrid shall be labeled as a hybrid;

207 (iii) the word "mix," "mixture," or "blend" shall appear, if more than one component is  
208 required to be named; and

209 (iv) the total of the percentages described in Subsections (2)(a), (2)(d), [~~2(e)~~] (2)(e),  
210 and (2)(f) shall equal 100%;

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

213 (c) lot number or other lot identification;

214 (d) percentage by weight of all weed seeds;

215 (e) percentage by weight of agricultural or crop seeds other than those named on the  
216 label pursuant to Subsection (2)(a);

217 (f) percentage by weight of inert matter;

218 (g) name and rate of occurrence per pound of each kind of restricted noxious weed seed  
219 present for which tolerance is permitted;

220 (h) origin, if known, of alfalfa, red clover, white clover, or field corn seed, except  
221 hybrid corn, and, if the origin is unknown, that fact shall be stated;

222 (i) month and year seed tests were conducted for each named agricultural seed,  
223 specifying:

224 (i) percentage of germination, exclusive of hard or dormant seed; and

225 (ii) percentage of hard or dormant seed, if present; and



226 (j) net weight.  
227 [~~(3) Coated seed shall be labeled with the:~~  
228 [~~(a) information required by Subsections 4-16-201(2)(a) through (2)(e) and (2)(g);~~  
229 [~~(b) percentage by weight of pure seed exclusive of coating material;~~  
230 [~~(c) percentage by weight of coating material;~~  
231 [~~(d) percentage by weight of inert material exclusive of coating material; and~~  
232 [~~(e) percentage of germination, determined on 400 pellets with or without seed.~~  
233 [~~(4) Each~~] (3) A container of lawn and turf seed or lawn and turf seed mixture offered  
234 or exposed for sale or transported for sowing into this state shall be labeled with the following  
235 information:  
236 (a) name of the kind and variety for each lawn and turf seed component in excess of  
237 5% of the whole, and the percentage by weight of each component in the order of its  
238 predominance in columnar form, provided that:  
239 (i) the label shall specify the name of the variety or state "Variety Not Stated" or  
240 "VNS," for any component that is required by rule of the department to be labeled as a variety;  
241 (ii) a hybrid shall be labeled as a hybrid; and  
242 (iii) the total of the percentages described in Subsections [~~(4)(a), (4)(d), (4)(e), and~~  
243 ~~(4)(f)~~] (3)(a), (3)(d), (3)(e), and (3)(f) shall equal 100%;  
244 (b) name and address of the person who labeled the seed, or the person who sells,  
245 offers, or exposes the seed for sale in this state;  
246 (c) lot number or other lot identification;  
247 (d) percentage by weight of all weed seeds;  
248 (e) percentage by weight of agricultural or crop seeds other than those named on the  
249 label pursuant to Subsection [~~(4)~~] (3)(a);  
250 (f) percentage by weight of inert matter;  
251 (g) name and rate of occurrence per pound of each kind of restricted noxious weed seed  
252 present for which tolerance is permitted;  
253 (h) month and year seed tests were conducted for each named lawn and turf seed,

254 specifying:

255 (i) percentage of germination, exclusive of hard or dormant seed; and

256 (ii) percentage of hard or dormant seed, if present;

257 (i) the word "mix," "mixture," or "blend," if more than one component is required to be

258 named; and

259 (j) net weight.

260 [~~(5)~~] (4) Vegetable seed in packets of one pound or less prepared for home gardens or

261 household plantings or vegetable seed preplanted in containers, mats, tapes, or other planting

262 devices shall be labeled with the following information:

263 (a) name of the kind and variety of seed, provided that a hybrid shall be labeled as a

264 hybrid;

265 (b) name and address of the person who labeled the seed, or the person who sells,

266 offers, or exposes the seed for sale in this state;

267 (c) (i) calendar month and year the germination test was completed and sell by date,

268 which may not be more than 12 months past the date of the germination test exclusive of the

269 month of test;

270 (ii) year for which the seed was packaged for sale, stated as "Packed for yy," [~~and~~] or

271 year of the seed sell by date, stated as "Sell by yy"; or

272 (iii) calendar month and year the germination test was completed and the percentage

273 germination, provided that the germination test was completed within the previous 12 months

274 exclusive of the month of test;

275 (d) seed with germination less than the germination standard last established for the

276 seed by the department shall specify the:

277 (i) percentage of germination, exclusive of hard or dormant seed;

278 (ii) percentage of hard or dormant seed, if present; and

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

280 (e) statement to indicate the minimum number of seeds in the container, if the seed are

281 placed in a germination medium, mat, tape, or other device that makes it difficult to determine

282 the quantity of the seed without removing the seed;

283 (f) lot number or other lot identification; [~~and~~]

284 (g) the word "mix," "mixture," or "blend," if more than one component is required to  
285 be named[-]; and

286 (h) net weight.

287 [~~(6)~~] (5) Vegetable seed not described in Subsection [~~(5)~~] (4) shall be labeled with the  
288 following information:

289 (a) name of each kind and variety present in excess of 5% of the whole and the  
290 percentage by weight of each in order of its predominance in columnar form, provided that a  
291 hybrid shall be labeled as a hybrid;

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

294 (c) lot number or other lot identification;

295 (d) month and year seed tests were conducted, for each named vegetable seed,  
296 specifying the:

297 (i) percentage of germination, exclusive of hard or dormant seed; and

298 (ii) percentage of hard or dormant seed, if present;

299 (e) name and rate of occurrence per pound of each kind of restricted noxious-weed  
300 seed for which tolerance is permitted; [~~and~~]

301 (f) the word "mix," "mixture," or "blend," if more than one component is required to be  
302 named[-]; and

303 (g) net weight.

304 [~~(7) Each packet of flower seed~~] (6) A flower seed packet of one pound or less  
305 prepared for use in home flower gardens or household plantings or flower seed in preplanted  
306 containers, mats, tapes, or other planting devices shall be labeled with the following  
307 information:

308 (a) name of the kind and variety or a statement of type and performance characteristics  
309 of the seed as prescribed by rule made in accordance with Title 63G, Chapter 3, Utah

310 Administrative Rulemaking Act, provided that:

311 (i) a hybrid shall be labeled as a hybrid; and

312 (ii) the word "mix," "mixture," or "blend" shall appear, if more than one component is  
313 required to be named;

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

316 (c) (i) calendar month and year the germination test was completed and the sell by date,  
317 which may not be more than 12 months past the date of the germination test exclusive of the  
318 month of the test;

319 (ii) year for which the seed was packed for sale, stated as "Packed for yy," ~~and~~ or year  
320 of the seed sell by date, stated as "Sell by yy"; or

321 (iii) calendar month and year the germination test was completed and percentage  
322 germination, provided that the germination test was completed within the previous 12 months  
323 exclusive of the month of the test;

324 (d) seed with germination less than the germination standard last established by the  
325 department shall specify the:

326 (i) percentage of germination, exclusive of hard or dormant seed;

327 (ii) percentage of hard or dormant seed, if present; and

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

329 (e) statement to indicate the minimum number of seeds or net weight in the container,  
330 if the seeds are placed in a germination medium, mat, tape, or other device that makes it  
331 difficult to determine the quantity of seed without removing the seed.

332 [~~8~~] (7) Flower seed not described in Subsection [~~7~~] (6) offered or exposed for sale  
333 in this state shall be labeled with the following information:

334 (a) name of the kind and variety or statement of the type and performance  
335 characteristics of the seed as prescribed by rule made in accordance with Title 63G, Chapter 3,  
336 Utah Administrative Rulemaking Act, provided that:

337 (i) a hybrid shall be labeled as a hybrid; and

338 (ii) the word "mix," "mixture," or "blend" shall appear, if more than one component is  
339 required to be named;

340 (b) genus and species of wildflower and the subspecies, if appropriate, of wildflower;

341 (c) name and address of the person who labeled the seed, or the person who sells,  
342 offers, or exposes the seed for sale in this state;

343 (d) lot number or other lot identification;

344 (e) percentage of germination, exclusive of hard or dormant seed;

345 (f) percentage of hard or dormant seed, if present;

346 (g) calendar month and year that testing was completed to determine percentages  
347 described in Subsections ~~[(8)(e) and (8)(f)]~~ (7)(e) and (7)(f); ~~[and]~~

348 (h) net weight; and

349 ~~[(h)]~~ (i) wildflower seed with a pure seed percentage of less than 90% shall specify the  
350 percentage by weight of:

351 (i) each component listed in order of predominance;

352 (ii) weed seed if present; and

353 (iii) inert matter.

354 ~~[(9) Each]~~ (8) A container of tree and shrub seed that is sold, offered, or exposed for  
355 sale or transported for sowing into this state shall:

356 (a) bear a label as required by Subsection ~~[4-16-201]~~(1), unless:

357 (i) each bag or other container is clearly identified by a lot number stenciled on the  
358 container or the seed is in bulk; and

359 (ii) under a contractual agreement the seed may bear a label by invoice accompanying  
360 the shipment or an analysis tag attached to the invoice; and

361 (b) bear on the label the following information:

362 (i) name of the seed and name of the subspecies, if appropriate;

363 (ii) scientific name of the genus and species and scientific name of the subspecies, if  
364 appropriate;

365 (iii) name and address of the person who labeled the seed, or the person who sells,

366 offers, or exposes the seed for sale in this state;  
367 (iv) lot number or other lot identification;  
368 (v) information as to origin as follows:  
369 (A) seed collected from a predominantly indigenous stand shall specify the area of  
370 collection given by latitude and longitude, geographic description, or political subdivision such  
371 as state or county; and  
372 (B) seed collected from other than a predominantly indigenous stand shall specify  
373 identity of the area of collection and the origin of the stand or state "origin not indigenous";  
374 (vi) elevation or the upper and lower limits of elevation within which the seed was  
375 collected;  
376 (vii) purity as a percentage of pure seed by weight;  
377 (viii) percentage of germination, exclusive of hard or dormant seed;  
378 (ix) percentage of hard or dormant seed, if present; [~~and~~]  
379 (x) calendar month and year the germination test was completed to determine  
380 percentages described in Subsections [~~(9)~~] (8)(b)(viii) and [~~(9)~~] (8)(b)(ix)[-];  
381 (xi) the word "mix," "mixture," or "blend" shall appear, if more than one component is  
382 required to be named; and  
383 (xii) net weight.  
384 [~~(10) Each~~] (9) A container of seed for sprouting that is offered or exposed for sale or  
385 transported for sowing into this state shall be labeled with the following information:  
386 (a) name and address of the person who labeled the seed, or the person who sells,  
387 offers, or exposes the seed for sale in this state;  
388 (b) name of the kind or kinds in order of predominance;  
389 (c) lot number or other identification;  
390 (d) percentage by weight of each pure seed component in excess of 5% of the whole,  
391 other crop seeds, inert matter, and weed seeds, if any;  
392 (e) percentage of germination of each pure seed component, exclusive of hard or  
393 dormant seed;

- 394 (f) percentage of hard or dormant seed, if present;
- 395 (g) calendar month and year the test was completed to determine percentages described
- 396 in Subsections ~~[(10)]~~ (9)(d) through ~~[(10)]~~ (9)(f) or the year for which the seed was packaged;
- 397 ~~[and]~~
- 398 (h) the word "mix," "mixture," or "blend," if more than one component is required to
- 399 be named~~[-]; and~~
- 400 (i) net weight.
- 401 ~~[(11)]~~ (10) A combination mulch, seed, and fertilizer product shall:
- 402 (a) contain a minimum of 70% mulch;
- 403 (b) bear a label with the word "combination" followed by the words "mulch - seed -
- 404 fertilizer" on the upper 30% of the principal display panel, provided that the:
- 405 (i) word "combination" shall be the largest and most conspicuous type on the container
- 406 and equal to or larger than the product name; and
- 407 (ii) words "mulch - seed - fertilizer" shall be no smaller than one-half the size of the
- 408 word "combination" and in close proximity to the word "combination"; and
- 409 (c) bear an analysis label~~[, for agricultural and lawn and turf]~~ for seed placed in a
- 410 germination medium, mat, tape, or other device or mixed with mulch, specifying the following
- 411 information:
- 412 (i) name of each kind and variety;
- 413 (ii) product name;
- 414 (iii) lot number;
- 415 (iv) percentage by weight of pure seed of each kind and variety named, including those
- 416 less than 5% of the whole, provided that the total of the percentages described in Subsections
- 417 ~~[(11)]~~ (10)(c)(iv) through ~~[(11)]~~ (10)(c)(vii) shall equal 100%;
- 418 (v) percentage by weight of other crop seed;
- 419 (vi) percentage by weight of inert matter, which may not be less than 70%;
- 420 (vii) percentage by weight of weed seed;
- 421 (viii) name and number of noxious weed seed per pound, if present;

- 422 (ix) percentage of germination of each kind or kind and variety named;
- 423 (x) percentage hard or dormant seed, if appropriate;
- 424 (xi) date of germination test; [~~and~~]
- 425 (xii) name and address of tagger[-]; and
- 426 (xiii) net weight.
- 427 [~~(12)~~] (11) A product containing a combination of seed and granular fertilizer shall be
- 428 labeled with the following information:
- 429 (a) the word "combination" followed by the words "seed-fertilizer" on the upper 30%
- 430 of the principal display panel provided that:
- 431 (i) the word "combination" must be the largest and most conspicuous type on the
- 432 container and equal to or larger than the product name; and
- 433 (ii) the words "seed-fertilizer" shall be no smaller than one-half the size of the word
- 434 "combination" and in close proximity to the word "combination"; and
- 435 (b) an analysis label specifying the information listed in Subsection [~~(11)~~] (10)(c) and
- 436 the percentage by weight of the fertilizer, listed on a separate line as a component of the inert
- 437 matter.
- 438 (12) Coated seed shall be labeled with the:
- 439 (a) information required by Subsections (2)(a) through (2)(e) and (2)(g);
- 440 (b) percentage by weight of pure seed exclusive of coating material;
- 441 (c) percentage by weight of coating material;
- 442 (d) percentage by weight of inert material exclusive of coating material; and
- 443 (e) percentage of germination, determined on 400 pellets with or without seed.