



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

HOUSE BILL NO. 497

TUESDAY, MARCH 8, 2016

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 5, 2016
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Governor's signature
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to seeds.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 250.021 TO 250.111 IS CREATED
4 TO READ AS FOLLOWS:

5 **(1) No city, county, or other political subdivision of the Commonwealth shall adopt**
6 **or continue in effect any ordinance, resolution, rule, or regulation regarding the**
7 **registration, packaging, labeling, sale, storage, distribution, use, application, or**
8 **propagation of seeds as regulated pursuant to KRS 250.021 to 250.111. Any local**
9 **legislation in violation of this section is void and unenforceable.**

10 **(2) Nothing in this section shall be construed to:**

11 **(a) Abrogate the planning and zoning authority granted local government**
12 **pursuant to KRS Chapter 100; or**

13 **(b) Preempt or limit remedies available under common law or statutes.**

14 ➔Section 2. KRS 250.021 is amended to read as follows:

15 As used in KRS 250.021 to 250.111, unless the context requires otherwise:

16 (1) "Advertised" means all representations, other than those on the label, disseminated
17 by the public press, circular, catalog, or other media, relating to agricultural,
18 vegetable, or flower seed, or combination seed, mulch, and fertilizer products
19 within the scope of KRS 250.021 to 250.111;[.]

20 (2) "Agricultural seed" includes grass, forage, cereal, oil, fiber, tobacco, and other kinds
21 of crop seed commonly recognized within Kentucky as agricultural seed, lawn seed,
22 and combinations of these seed. Regardless of the name used to describe seed, the
23 product shall be seed if its intended use is for plant production;[.]

24 (3) **"Blend" means seed consisting of more than one (1) variety of a kind, each in**
25 **excess of five percent (5%) by weight of the whole;**

26 (4) **"Brand" means a word, name, symbol, number, or design used to identify seed of**
27 **one (1) person to distinguish it from seed of another person;**

- 1 (5) "Certified seed" means seed for which a certificate or any other instrument has been
 2 issued by an agency authorized under the laws of a state, territory, or possession to
 3 officially certify seed and which has standards and procedures approved by the
 4 United States Secretary of Agriculture to assure the genetic purity and identity of
 5 the seed certified;[.]
- 6 (6)~~(4)~~ "Certified custom seed conditioner" means a person who has been approved
 7 by the Kentucky Seed Improvement Association (KSIA) to condition seed for
 8 distribution as certified seed;[.]
- 9 (7)~~(5)~~ "Certified seed grower" means a person who has been approved by the
 10 Kentucky Seed Improvement Association to produce seed to be sold as Kentucky
 11 certified seed;[.]
- 12 (8)~~(6)~~ "Certifying agency" means:
- 13 (a) An agency authorized under the laws of a state, territory, or possession to
 14 officially certify seed and which has standards and procedures approved by the
 15 United States Secretary of Agriculture to assure the genetic purity and identity
 16 of the seed certified; or
- 17 (b) An agency of a foreign country determined by the United States Secretary of
 18 Agriculture to adhere to procedures and standards for seed certification
 19 comparable to those adhered to generally by seed certifying agencies under
 20 *paragraph* ~~{subsection-(6)}~~(a) of this *subsection*~~{section}~~;[.]
- 21 (9)~~(7)~~ "Conditioning" means drying, cleaning, applying seed treatment, scarifying,
 22 and other operations which could change the purity or germination of the seed;[.]
- 23 (10)~~(8)~~ "Crop seed" means seed of crop plants other than the kind or variety included
 24 in the pure seed;[.]
- 25 (11)~~(9)~~ "Distribute" means to consign, offer for sale, sell, advertise for sale, barter, or
 26 otherwise supply agricultural seed;[.]
- 27 (12)~~(10)~~ "Distributor" means any person who distributes agricultural seed;[.]

- 1 ~~(13)~~~~(11)~~ "Dormant" means seed, excluding hard seed, which fail to germinate, even
 2 though viable, when provided the specified germination conditions for the kind of
 3 seed in question;~~[-]~~
- 4 ~~(14)~~~~(12)~~ "Flower seed" includes seed of herbaceous plants grown for their blooms,
 5 ornamental foliage, or other ornamental parts, and commonly known and sold under
 6 the name of flower seed or wildflower seed, except for seed which have been placed
 7 on the Kentucky noxious weed seed list;~~[-]~~
- 8 ~~(15)~~~~(13)~~ "Germination" means the emergence and development from the seed embryo
 9 of those essential structures which, for the kind of seed in question, indicate the
 10 ability to produce a normal plant under favorable conditions;~~[-]~~
- 11 ~~(16)~~~~(14)~~ "Hard seed" means seed which remain hard at the end of the prescribed test
 12 period because they have not absorbed water due to an impermeable seed coat;~~[-]~~
- 13 ~~(17)~~~~(15)~~ "Hybrid" means the first generation seed of a cross produced by controlling
 14 the pollination and by combining:
- 15 (a) Two (2) or more inbred lines;
- 16 (b) One (1) inbred or a single cross with an open-pollinated variety; or
- 17 (c) Two (2) varieties or species, excluding open-pollinated varieties of corn;
- 18 and excludes the second generation or subsequent generations from those crosses;~~[-]~~
- 19 ~~(18)~~~~(16)~~ "Inert matter" means all matter not seed, including broken seed, sterile florets,
 20 chaff, fungus bodies, and stones;~~[-]~~
- 21 ~~(19)~~~~(17)~~ "Innoculant" means a formulation containing nitrogen-fixing bacteria which is
 22 applied as a treatment to legume seed to increase the nitrogen-fixing capabilities of
 23 the plants produced from the seed;~~[-]~~
- 24 ~~(20)~~~~(18)~~ "Inspection fee" means a fee, based on volume or value of product distributed,
 25 collected by the director from permit holders in Kentucky;~~[-]~~
- 26 ~~(21)~~~~(19)~~ "Kind" means one (1) or more related species or subspecies which singly or
 27 collectively is known by one (1) common name, for example, corn, oats, alfalfa, and

1 timothy;[-]

2 ~~(22)~~~~(20)~~ "Label" includes a tag or other device attached to or written, stamped, or
 3 printed on any container of seed or accompanying any lot of bulk seed purporting to
 4 set forth the information required on the seed label by KRS 250.021 to 250.111, and
 5 it may include other information relating to the labeled seed;[-]

6 ~~(23)~~~~(21)~~ "Lot" means a definite quantity of seed identified by a number or other mark,
 7 every portion or bag of which is uniform within recognized tolerances for the
 8 factors which appear in the labeling;[-]

9 ~~(24)~~~~(22)~~ "Mixture" means seed consisting of more than one (1) kind, each in excess of
 10 five percent (5%) by weight of the whole;[-]

11 ~~(25)~~~~(23)~~ "Mulch" means a protective covering of any suitable substance placed with
 12 seed which acts to retain moisture to support seed germination and sustain early
 13 seedling growth and aid in the prevention of the evaporation of soil water, the
 14 control of weeds, and the prevention of erosion;[-]

15 ~~(26)~~~~(24)~~ "Noncertified custom seed conditioner" means a person other than a certified
 16 seed conditioner who conditions agricultural seed which is to be distributed;[-]

17 ~~(27)~~~~(25)~~ "Noxious weed seed" means one (1) of two (2) classes:

18 (a) "Prohibited noxious weed seed" means those weed seed which are prohibited
 19 from being present in agricultural, vegetable, or flower seed, and are seed of
 20 weeds which are highly destructive and difficult to control; ~~or~~[-]

21 (b) "Restricted noxious weed seed" means those weed seed which are
 22 objectionable in agricultural crops, lawns, or gardens of Kentucky, but which
 23 can be controlled using conventional methods;[-]

24 ~~(28)~~~~(26)~~ "Pelleted seed" means seed coated with a layer of inert materials that may
 25 obscure the original shape and size of the seed resulting in a substantial weight
 26 increase and improved plantability. The addition of polymers, biologicals,
 27 pesticides, identifying colorants or dyes, or other ingredients may be included in the

1 pelleting material;[-]

2 ~~(29)~~~~(27)~~ "Permit holder" means a person who has obtained a permit from the director
3 to label agricultural, vegetable, or flower seed; or combination mulch, seed, and
4 fertilizer products distributed in Kentucky and whose name and address is required
5 to appear on labels of those products distributed in Kentucky as a condition for
6 obtaining the permit;[-]

7 ~~(30)~~~~(28)~~ "Person" means an individual, partnership, company, corporation, or other
8 type of business establishment;[-]

9 ~~(31)~~~~(29)~~ "Pure seed" means seed exclusive of inert matter and all other seed not of the
10 kind or variety being considered;[-]

11 ~~(32)~~~~(30)~~ "Informal hearing" means a discussion of facts between the person involved in
12 an apparent law violation and the director;[-]

13 ~~(33)~~~~(31)~~ "Record" means information which relates to the origin, treatment,
14 germination, purity, kind, and variety of each lot of seed sold. The information shall
15 include seed samples and documents showing declarations, labels, purchases, sales,
16 conditioning, bulking, treatment, handling, storage, analyses, tests, or
17 examinations;[-]

18 ~~(34)~~~~(32)~~ "Retail agricultural seed dealer" means a person who engages in the business
19 of distributing agricultural seed in containers or bulk units of forty (40) pounds or
20 more;[-]

21 ~~(35)~~~~(33)~~ "Seizure" means a legal process carried out by court order against a specified
22 seed lot;[-]

23 ~~(36)~~~~(34)~~ "Stop sale" means an administrative order provided by law, which restrains
24 the distribution of a specified seed lot;[-]

25 ~~(37)~~~~(35)~~ "Treated seed" means seed which has received an application of a substance or
26 has been subjected to a process for which a claim is made;[-]

27 ~~(38)~~~~(36)~~ "Variety" means a subdivision of a species which is distinct, uniform, and

1 stable; distinct in the sense that the variety can be differentiated by one (1) or more
 2 identifiable morphological, physiological, or other characteristics from all other
 3 publicly known varieties; uniform in the sense that the variations in essential and
 4 distinctive characteristics are describable; and stable in the sense that the variety
 5 will remain unchanged in its essential and distinctive characteristics and its
 6 uniformity when reproduced or reconstituted as required by the different categories
 7 of varieties; and.]

8 ~~(39)~~[(37)] "Vegetable seed" means the seed of those crops which are grown in gardens
 9 and on truck farms and are generally known and sold under the name of vegetable
 10 or herb seed in Kentucky.

11 ➔Section 3. KRS 250.041 is amended to read as follows:

- 12 (1) Every lot of agricultural seed, when in bulk or a container of one (1) pound or more,
 13 or in the case of tobacco seed of one-twelfth (1/12) ounce or more; each packet or
 14 other container of vegetable or flower seed; each preplanted container, mat, tape, or
 15 other planting device containing vegetable or flower seed; and each container of a
 16 combination mulch, seed, and fertilizer product distributed in Kentucky for planting
 17 purposes shall bear or have attached in a conspicuous place a plainly written or
 18 printed label in the English language providing the information stipulated in
 19 subsection (10) of this section.
- 20 (2) Labels shall be obtained as described in KRS 250.051.
- 21 (3) The label specified in this section shall be delivered to the purchaser with every
 22 distribution of agricultural seed, if the distribution amounts to one (1) pound or
 23 more, whether the distribution is in bulk or in package.
- 24 (4) Seed remaining in the inventory of a retail agricultural seed dealer or a permit
 25 holder after the germination test has expired shall be removed from sale or
 26 relabeled. New tags are preferred for relabeling, but new percentages of
 27 germination, hard seeds, or dormant seed and the new date of germination test may

1 be entered on the tags or labels previously attached to the container if inserted in a
2 way to be clearly legible and the old percentages of germination, hard seeds, or
3 dormant seed and date of test are completely obliterated. The person upon whose
4 premises the seed is located shall be held responsible for obtaining the new
5 germination test and for subsequent relabeling of the seed.

6 (5) Labeling of seed supplied to or owned by a permit holder may be a single tag or
7 laboratory report accompanying the invoice, if each bag or other container is clearly
8 identified by a lot number stenciled or taped on the container. Each bag or container
9 that is not so identified shall carry complete labeling.

10 (6) All soybean seed, except black soybean (hay bean) seed shall be labeled by variety
11 name.

12 (7) All tobacco seed or winter rape (Canola) seed shall be certified by the Kentucky
13 Seed Improvement Association (KSIA) or by the agency responsible for
14 certification in the state, province, or country where the seed originated, but only if
15 the standards there are not lower than KSIA standards.

16 (8) The label for treated seed shall provide the following as additional information:

17 (a) A word or statement indicating that the seed has been treated.

18 (b) The commonly accepted coined, chemical, or abbreviated chemical (generic)
19 name of the applied substance or description of the process used.

20 (c) A caution statement such as "Do not use for food, feed, or oil purposes" if the
21 substance in the amount present with the seed is harmful to human or other
22 vertebrate animals. The caution for mercurials and similarly toxic substances
23 shall be a poison statement or symbol.

24 (d) The expiration date if the treatment is an inoculant.

25 (9) The label for agricultural seed which have been pelleted or coated shall provide the
26 following as additional information:

27 (a) Percentage by weight of pure seed with pelleting or coating material removed.

- 1 (b) Percentage by weight of pelleting or coating material.
- 2 (c) Percentage by weight of inert material exclusive of pelleting or coating
3 material.
- 4 (d) Percentage of germination, which is to be determined on four hundred (400)
5 pellets.
- 6 (10) Labels giving the following information, which statement shall not be modified or
7 denied in the labeling or on another label attached to the container, shall be used:
- 8 (a) For agricultural seed, except for cool season grass seed and seed mixtures as
9 provided in paragraph (b) of this subsection, when in bulk or a container of
10 one (1) pound or more or in the case of tobacco seed of one-twelfth (1/12)
11 ounce or more:
- 12 1. The name and address of the person who labeled the seed;
 - 13 2. The name of the kind and variety for each agricultural seed component
14 present in excess of five percent (5%). If the variety of those kinds
15 generally labeled as to variety as designated in the administrative
16 regulations promulgated under KRS 250.021 to 250.111 is not known,
17 the label shall show the kind and the words~~[-]~~ "Variety Unknown." If the
18 variety of those kinds generally labeled as to variety as designated in
19 the administrative regulations promulgated under KRS 250.021 to
20 250.111 is not stated, the label shall show the kind and the words
21 "Variety Not Stated" or "VNS." Hybrid designations, when applicable,
22 shall be used in place of variety names. If more than one (1) component
23 is present in excess of five percent (5%), the word "mixed," "mixture,"
24 or "blend"~~["mixed" or "mixture"]~~ shall be stated with the name of the
25 mixture or blend, and each component shall be listed in columnar form
26 in order of its prominence;~~[-]~~
 - 27 3. Lot number or other lot identification;

- 1 4. Percentage by weight of all weed seed;
- 2 5. The name and rate of occurrence per pound of each kind of restricted
- 3 noxious weed seed present;
- 4 6. Percentage by weight of crop seed;
- 5 7. Percentage by weight of inert matter;[and]
- 6 8. **The totality of pure seed, weed seed, crop seed, and inert matter**
- 7 **described in subparagraphs 2., 4., 6., and 7. of this paragraph shall**
- 8 **total one hundred percent (100%); and**
- 9 9. For each named agricultural seed:
- 10 a. Percentage of germination, exclusive of hard or dormant seed;
- 11 b. Percentage of hard or dormant seed, if present;
- 12 c. Origin (state or foreign country); and
- 13 d. The calendar month and year in which the germination test was
- 14 completed;[-]
- 15 (b) **For cool season grasses, including but not limited to Kentucky bluegrass,**
- 16 **red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass,**
- 17 **intermediate ryegrass, annual ryegrass, colonial bentgrass, creeping**
- 18 **bentgrass, and mixtures of the grasses:**
- 19 1. **For single kinds, the name of the kind and variety shall be listed. If**
- 20 **the variety of those kinds generally labeled as to variety as designated**
- 21 **in the administrative regulations promulgated under KRS 250.021 to**
- 22 **250.111 is not known, the label shall show the kind and the words**
- 23 **"Variety Unknown." If the variety of those kinds generally labeled as**
- 24 **to variety as designated in the administrative regulations promulgated**
- 25 **under KRS 250.021 to 250.111 is not stated, the label shall show the**
- 26 **name and the kind with the words "Variety Not Stated" or "VNS";**
- 27 2. **For mixtures:**

- 1 a. The word "mix," "mixed," "mixture," or "blend" shall be
 2 stated with the name of the mixture;
- 3 b. The heading "Pure Seed," "Germination," or "Germ" shall be
 4 used in the proper places; and
- 5 c. The commonly accepted name of the kind, or kind and variety, of
 6 each agricultural seed component in excess of five percent (5%)
 7 of the whole, and the percentage by weight of pure seed shall be
 8 written in order of its predominance and in columnar form. If
 9 the variety of those kinds generally labeled as to variety as
 10 designated in the administrative regulations promulgated under
 11 KRS 250.021 to 250.111 is not stated, the label shall show the
 12 name of the kind and the word "Variety Not Stated;"
- 13 3. The percentage by weight of crop seed;
- 14 4. The percentage by weight of inert matter;
- 15 5. The percentage by weight of all weed seeds;
- 16 6. The totality of pure seed, pure seed mix, crop seed, inert matter, and
 17 weed seed described in subparagraphs 1., 2., 3., 4., and 5. of this
 18 paragraph shall total one hundred percent (100%);
- 19 7. The name and rate of occurrence per pound of each kind of restricted
 20 noxious weed seed present;
- 21 8. For each cool season grass seed named under subparagraphs 1. and
 22 2. of this paragraph:
- 23 a. The percentage of germination, exclusive of hard seed;
- 24 b. The percentage of hard seed, if present;
- 25 c. The calendar month and year the test was completed to
 26 determine such percentages; and
- 27 d. The test to determine the percentage of germination shall be

completed within a fifteen (15) month period immediately prior to sale, exposure for sale, or offering for sale or transportation, exclusive of the calendar month in which the test was completed;

and

9. The name and address of the person who labeled the seed;

(c) For vegetable seed in packets as prepared for use in home gardens or household plantings or vegetable seed in preplanted containers, mats, tapes, or other planting devices:

1. The name and address of the person who labeled the seed;
2. Name of kind and variety of seed;
3. Lot identification, such as by lot number or other means;
4. The year for which the seed was packed for distribution as "Packed for -- ----" or the percentage germination and the calendar month and year the test was completed to determine such percentage;
5. For seed which germinate less than the standard last established by the director under KRS 250.021 to 250.111:
 - a. Percentage of germination, exclusive of hard seed;
 - b. Percentage of hard seed, if present; and
 - c. The words "Below Standard" in not less than eight (8) point type.
6. For vegetable seed placed in a germination medium, mat, tape, or other device in a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seed in the container;{.}

(d){(e)} For vegetable seed in containers other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:

1. The name and address of the person who labeled the seed;

- 1 2. The name of each kind and variety present in excess of five percent (5%)
 2 and the percentage by weight of each in order of its predominance;
 3 3. Lot number or other lot identification; and
 4 4. For each named vegetable seed:
 5 a. Percentage of germination, exclusive of hard seed;
 6 b. Percentage of hard seed, if present; and
 7 c. The calendar month and year the test was completed to determine
 8 the percentages.
- 9 ~~{5.}~~ The labeling requirements for vegetable seed in containers of more than one
 10 (1) pound shall be deemed to have been met if the seed is weighed from a
 11 properly labeled container in the presence of the purchaser; ~~{-}~~
- 12 ~~(e)~~~~(d)~~ For flower seed in packets prepared for use in home gardens or
 13 household plantings, or flower seed in preplanted containers, mats, tapes, or
 14 other planting devices:
 15 1. The name and address of the person who labeled the seed;
 16 2. The name of the kind and variety or a statement of type and performance
 17 characteristics as prescribed in administrative regulations promulgated
 18 under the provisions of KRS 250.021 to 250.111;
 19 3. The calendar month and year the seed was tested or the year for which
 20 the seed was packaged; and
 21 4. If seed are of those kinds for which standard testing procedures are
 22 prescribed and which germinate less than the germination standard last
 23 established under the provisions of KRS 250.021 to 250.111:
 24 a. Percentage of germination, exclusive of hard seed; and
 25 b. The words "Below Standard" in not less than eight (8) point type;
 26 and ~~{-}~~
 27 5. If seed are in a germination medium, mat, tape, or other device in a way

1 to make it difficult to determine the quantity of seed without removing
 2 the seed from the medium, mat, tape, or device, a statement to indicate
 3 the minimum number of seed in the container; ~~[-]~~

4 ~~(l)(e)~~ For flower seed in containers other than packets prepared for use in
 5 home flower gardens or household plantings and other than preplanted
 6 containers, mats, tapes, or other planting devices:

- 7 1. The name and address of the person who labeled the seed;
- 8 2. The name of the kind and variety or a statement of type and performance
 9 characteristics as prescribed in administrative regulations promulgated
 10 under the provisions of KRS 250.021 to 250.111;
- 11 3. The lot number or other lot identification;
- 12 4. The calendar month and year that the seed was tested or the year for
 13 which the seed was packaged; **and**
- 14 5. If seed are of a kind for which standard testing procedures are
 15 prescribed:
 - 16 a. Percentage of germination, exclusive of hard seed; and
 - 17 b. Percentage of hard seed, if present; **and** ~~[-]~~

18 ~~(g)(f)~~ For combination mulch, seed, and fertilizer products:

- 19 1. The name and address of the person who labeled the seed; ~~[-]~~
- 20 2. The word "combination" followed by the words "mulch - seed -
 21 fertilizer" (if appropriate) shall appear on the upper thirty percent (30%)
 22 of the principal display panel. The word "combination" shall be the
 23 largest and most conspicuous type on the container, equal to or larger
 24 than the product name. The words "mulch - seed - fertilizer" shall be no
 25 smaller than half the size of the word "combination" and in close
 26 proximity to the word "combination." These products shall contain a
 27 minimum of seventy percent (70%) mulch; **and** ~~[-]~~

- 1 3. Agricultural, lawn, and turf seed placed in a germination medium, mat,
2 tape, or other device or mixed with mulch shall, in addition, be labeled
3 as follows:
- 4 a. Product name;
- 5 b. Lot number;
- 6 c. Percentage by weight of pure seed of each kind and variety named
7 which may be less than five percent (5%) of the whole;[-]
- 8 d. Percentage by weight of crop seed;
- 9 e. Percentage by weight of inert matter which shall not be less than
10 seventy percent (70%);
- 11 f. Percentage by weight of weed seed;
- 12 g. Name and number of noxious weed seed per pound, if present; and
- 13 h. Percentage of germination and hard seed (if appropriate) of each
14 kind or kind and variety named and date of test.

15 ➔Section 4. KRS 250.051 is amended to read as follows:

- 16 (1) The following shall apply with regard to permits for labeling:
- 17 (a) Each person who labels agricultural seed in accordance with KRS 250.041
18 shall obtain a labeling permit from the director and pay a
19 semiannual[quarterly] inspection fee unless labels attached to the seed
20 containers were issued by the Kentucky Seed Improvement Association, or
21 purchased from the director;[-]
- 22 (b) Each person who labels vegetable seed, flower seed, or combination mulch,
23 seed, and fertilizer product shall obtain a labeling permit from the director;[-]
- 24 (c) Permit holders shall be assessed a yearly fee of twenty-five dollars (\$25)
25 based on a calendar year or fraction thereof. The procedure for obtaining a
26 permit, the responsibilities of the permit holders, method to be used in
27 determining inspection fees, and the procedure for payment of inspection fees

1 by permit holders distributing agricultural seed shall be established by
 2 administrative regulations promulgated by the director. Permits may be
 3 revoked if the director determines that the permit holder is not complying with
 4 the provisions of KRS 250.021 to 250.111;~~;~~

5 (d) Labels for agricultural seed may be purchased from the director at a price
 6 established by administrative regulation promulgated by the director.

7 (2) Each person who distributes agricultural seed in containers of forty (40) pounds or
 8 more at retail in Kentucky and each person, other than a certified seed conditioner,
 9 who conditions agricultural seed for distribution in Kentucky shall register with the
 10 director.

11 (3) Certified seed growers and certified seed conditioners shall be registered with the
 12 director by the Kentucky Seed Improvement Association at no additional fee as a
 13 part of the certification process.

14 (4) The yearly registration fee for retail agricultural seed dealers and for noncertified
 15 custom seed conditioners shall be twenty-five dollars (\$25). If a person is required
 16 to both register and obtain a permit, the permit fee shall apply, and if a person is
 17 required to register both as a retail agricultural seed dealer and noncertified custom
 18 seed conditioner, only one (1) registration fee shall be paid.

19 →Section 5. KRS 250.071 is amended to read as follows:

20 It shall be unlawful:

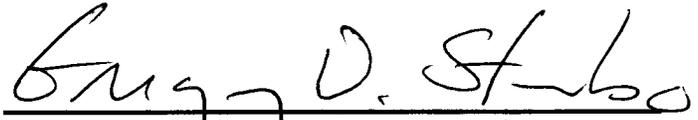
21 (1) To distribute any agricultural seed, mixtures of agricultural seed, vegetable seed, or
 22 flower seed, for seeding purposes which is not labeled in compliance with the
 23 provisions of KRS 250.041 or which has false or misleading labeling;~~;~~

24 (2) To perform or hold oneself out as being authorized to perform any of the acts for
 25 which registration or a permit is required without complying with requirements of
 26 KRS 250.051;~~;~~

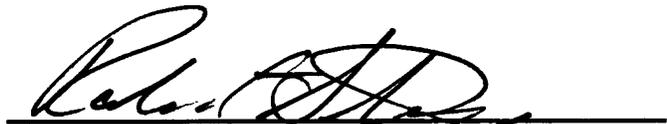
27 (3) To detach, alter, deface, or destroy any label provided for in KRS 250.021 to

- 1 250.111 or administrative regulations promulgated thereunder, or to alter or to
 2 falsely label seed;[-]
- 3 (4) To disseminate false or misleading advertisements concerning seed subject to KRS
 4 250.021 to 250.111;[-]
- 5 (5) To hinder or obstruct any authorized person in the performance of his or her duties
 6 under KRS 250.021 to 250.111;[-]
- 7 (6) To fail to comply with a "stop sale" order or to move or otherwise handle or dispose
 8 of any lot of seed, or tags attached thereto, held under a "stop sale" order, except
 9 with express permission of the director and for the purpose specified thereby;[-]
- 10 (7) To distribute agricultural, vegetable, or flower seed subject to the requirements of
 11 KRS 250.021 to 250.111:
- 12 (a) **If subject to the germination requirements in Section 3 of this Act, or unless**
 13 **otherwise stipulated in Section 3, subsection (10)(b) of this Act, the test to**
 14 **determine the percentage of germination required by Section 3 of this Act**
 15 **shall be completed within a nine (9) month period immediately prior to sale,**
 16 **exposure for sale, or offering for sale or transportation, exclusive of the**
 17 **calendar month in which the test was completed**~~[Unless the test to determine~~
 18 ~~the percentage of germination shall have been completed within a nine (9)~~
 19 ~~month period exclusive of the calendar month in which the test was~~
 20 ~~completed].~~ However, agricultural or vegetable seed packaged in hermetically
 21 sealed containers may be distributed for a period of thirty-six (36) months
 22 after the germination test was completed;[-]
- 23 (b) Consisting of or containing prohibited noxious weed seed;[-]
- 24 (c) Having a combined germination and hard seed or germination and dormant
 25 seed percentage that is under sixty percent (60%), unless exception is
 26 specifically granted by the director;[-]
- 27 (d) Consisting of or containing restricted noxious weed seed in amounts in excess

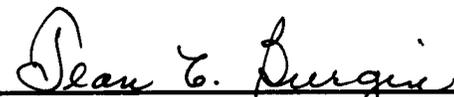
- 1 of the number prescribed by administrative regulations promulgated under
 2 KRS 250.021 to 250.111, or in excess of the number declared on the label;[-]
- 3 (e) Containing more than two percent (2%) by weight of all weed seed; or[-]
- 4 (f) Labeled with the word "trace" or other word as a substitute for a percentage
 5 amount;[-]
- 6 (8) To distribute agricultural seed not certified by an official seed-certifying agency if it
 7 is a variety for which a certificate of plant variety protection under the Federal Plant
 8 Variety Protection Act, 7 U.S.C. secs. 2321 et seq., specifies distribution only as a
 9 class of certified seed. Agricultural seed from a certified lot may be included and
 10 labeled by variety name in a mixture provided that the approval of the owner of the
 11 variety has been obtained;[-]
- 12 (9) To sell or offer for sale any seed bearing the certified label of any growers'
 13 association whose requirements for certification are in any regard lower than those
 14 of the Kentucky Seed Improvement Association;[-]
- 15 (10) To mix seed, including "feed wheat" or "wheat," with fertilizer and distribute the
 16 mixture unless the seed have been tested and labeled and are in full compliance with
 17 KRS 250.021 to 250.111;[-]
- 18 (11) To condition seed belonging to one (1) person and deliver the conditioned seed to,
 19 or allow its pick-up by, any other person unless the seed have been tested and
 20 labeled in accordance with KRS 250.041; and[-]
- 21 **(12) To use relabeling stickers without having both the calendar month and year the**
 22 **germination test was completed and the lot number that matches the existing**
 23 **original lot number.**



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved _____
Governor

Date _____