

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 158*

Short Title: Seed Law Amendments.

(Public)

Sponsors: Representative Wainwright.

Referred to: Agriculture.

February 9, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE SEED LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-277.5 reads as rewritten:
"§ 106-277.5. Labels for agricultural seeds.

Agricultural seeds sold, offered or exposed for sale, transported for sale, or otherwise distributed within this State shall be labeled to show the following information:

(1) The commonly accepted name of the kind and the variety, or kind and the phrase 'variety not stated' for each agricultural seed component, in excess of five percent (5%) of the whole, and the percentage by weight of each in order of its predominance. The Board of Agriculture may, pursuant to G.S. 106-277.15, require the variety to be stated on the labeling for certain kinds of agricultural seed, and the phrase 'variety not stated' shall not be used on the labeling of such seed. When more than one component is required to be named, the word 'mixture' or the word 'mixed' shall be shown conspicuously on the label. Second generation from hybrid seeds, if sold, shall be labeled 'second generation (of the parent), variety not stated.' 'F' designations on labels, unless used as a part of a variety name, will refer only to size and shape of corn seeds.

(2) Lot number or other lot identification.

- 1 (3) Net weight.
2 (4) Origin, if known. If the origin is unknown, the fact shall be stated.
3 (5) Percentage by weight of inert matter.
4 (6) Percentage by weight of agricultural seeds and/or vegetable seeds
5 (which shall be designated as 'other crop seeds') other than those named
6 on the label. Different varieties of the same kind of seed, when in
7 quantities of less than five percent (5%) will be considered as other crop
8 seed.
9 (7) Percentage by weight of all weed seeds, including noxious-weed seeds.
10 (8) For each named agricultural seed:
11 a. Percentage of germination, exclusive of hard seed.
12 b. Percentage of hard seeds, if present.
13 c. The calendar month and year the test was completed to determine
14 such percentages.
15 In addition to the individual percentage statement of germination and
16 hard seed, the total percentage of germination and hard seed may be
17 stated as such, if desired.
18 (9) The name and number per pound of each kind of restricted noxious-
19 weed seed present.
20 (10) Name and address of person who labeled said seed or who sells, offers
21 or exposes said seed for sale within this State. If the seeds are labeled by
22 the shipper for a consignee within this State, the shipper may use his
23 approved code designation with the name and address of the consignee.
24 (11) Such other information as the Board shall prescribe by rule."
25 Sec. 2. G.S. 106-277.6 is amended by adding the following new subdivision:
26 "(6) Such other information as the Board shall prescribe by rule."
27 Sec. 3. G.S. 106-277.7 is amended by adding the following new subdivision:
28 "(8) Such other information as the Board shall prescribe by rule."
29 Sec. 4. G.S. 106-277.15 reads as rewritten:

30 "106-277.15. Rules, regulations and standards.

31 ~~The Commissioner of Agriculture, jointly with the Board of Agriculture, in accordance~~
32 ~~with the Administrative Procedure Act, after public hearing immediately following 10 days'~~
33 ~~public notice may adopt such rules, regulations and standards which they may find to be~~
34 ~~advisable or necessary to carry out and enforce the purposes and provisions of this~~
35 ~~Article, which shall have the force and effect of law. The Commissioner and Board of~~
36 ~~Agriculture shall adopt rules, regulations and standards as follows:~~

- 37 (1) Prescribing the methods of sampling, inspecting, analyzing, testing and
38 examining agricultural and vegetable seed, and determining the
39 tolerance to be followed in the administration of this Article.
40 (2) Declaring a list of prohibited and restricted noxious weeds, conforming
41 with the definitions stated in this Article, and to add to or subtract
42 therefrom, from time to time, after a public hearing following due public
43 notice.

- 1 (3) Declaring the maximum percentage of total weed seed content permitted
2 in agricultural seed.
- 3 (4) Declaring the maximum number of 'restricted' noxious-weed seeds per
4 pound of agricultural seed permitted to be sold, offered or exposed for
5 sale.
- 6 (5) Declaring the minimum percentage of germination permitted for sale as
7 'Agricultural Seeds.'
- 8 (6) Declaring germination standards for vegetable seeds.
- 9 (7) Prescribing the form and use of tags or stamps to be used in labeling
10 seed.
- 11 (8) Prescribing such other rules and regulations as may be necessary to
12 secure the efficient enforcement of this Article.
- 13 (9) Establishing fees and charges for agricultural and vegetable seed testing
14 and analysis.
- 15 (10) Prescribing minimum hybrid percentage for labeling for each species
16 hybridized.
- 17 (11) Prescribing labeling and coloring requirements for treated seed.
- 18 (12) Establishing a Tobacco Seed Committee which shall approve flue-cured
19 tobacco varieties prior to registration with the Department.
- 20 (13) Prescribing labeling requirements for agricultural and vegetable seed."

21 Sec. 5. G.S. 106-277.28 reads as rewritten:

22 **"§ 106-277.28. License and inspection fees.**

23 For the purpose of providing a fund to defray the expense of inspection, examination,
24 and analysis of seeds and the enforcement of this Article:

- 25 (1) Repealed by Session Laws 1991, c. 588, s. 1.
- 26 (2) Each seed dealer who offers for sale any agricultural, vegetable, or lawn
27 or turf seeds for seeding purposes shall register with the Commissioner
28 and shall obtain an annual license, for each location where activities are
29 conducted, by January 1 of each year and shall pay the following license
30 fee:
- 31 a. Wholesale or combined wholesale and retail
32 seed dealer \$100.00
- 33 b. Retail seed dealer with sales of no
34 more than \$500.00 5.00
- 35 c. Retail seed dealer with sales of more
36 than \$500.00 but no more than \$1,000 15.00
- 37 d. Retail seed dealer with sales of more
38 than \$1,000 25.00.
- 39 (3) Each seed dealer or grower who has seed, whether originated or labeled
40 by the dealer or grower, that is offered for sale in this State shall report
41 the quantity of seed sold or offered for sale and pay an inspection fee of
42 two cents (2¢) for each container of seeds weighing 10 pounds or more.

1 This fee does not apply to seed grown by a farmer and offered for sale
2 by the farmer at the farm where the seed was grown.

3 Each seed dealer or grower shall keep accurate records of the
4 quantity of seeds and container weights sold or offered for sale from
5 each distribution point in the State. These records shall be available to
6 the Commissioner or an authorized representative of the Commissioner
7 at any and all reasonable hours for the purpose of verifying the quantity
8 of seed sold and the fees paid. Each seed dealer or grower shall report
9 quarterly on forms furnished by the Commissioner the quantity and
10 container weight of seeds sold or offered for sale. The reports shall be
11 made on the first day of January, April, July, and October, or within 10
12 days thereafter, and the inspection fee shall be due and payable with the
13 report. If the report is not filed and the inspection fee paid to the
14 Department of Agriculture by the tenth day following the date due, or if
15 the report of the quantity or container weights is false, the
16 Commissioner may issue a stop-sale order for all seed offered for sale
17 by the dealer or grower. If the inspection fee is unpaid more than 15
18 days after the due date, the amount due shall bear a penalty of ten
19 percent (10%) which shall be added to the inspection fee due."

20 Sec. 6. This act is effective upon ratification.