



House of Representatives

General Assembly

File No. 584

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House Bill No. 5310

House of Representatives, April 16, 2014

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING CONNECTICUT'S SEED LAW.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) For the purposes of
2 sections 2 to 9, inclusive, of this act:

3 (1) "Advertisement" means all representations, other than those on a
4 label, disseminated in any manner or by any means, relating to seed, as
5 described in sections 2 to 9, inclusive, of this act.

6 (2) "Agricultural seed" means any kind of crop seed commonly
7 recognized within this state as agriculture seeds, lawn seeds or
8 combinations of such seeds, including, but not limited to, any grass,
9 forage, cereal, oil or fiber seed. "Agriculture seed" includes any
10 noxious weed seed when the Seed Control Officer determines that
11 such seed is used as an agriculture seed.

12 (3) "Blend" means seed consisting of more than one variety of a
13 kind, each in excess of five per cent by weight of the whole.

14 (4) "Brand" means a word, name, symbol, number or design used to
15 identify seed of one person and distinguish it from seed of another
16 person.

17 (5) "Certifying agency" means (A) any agency authorized under the
18 laws of any state, territory or possession of the United States to
19 officially certify seed and that has standards and procedures approved
20 by the United States Secretary of Agriculture to assure the genetic
21 purity and identity of the seed certified, or (B) an agency of a foreign
22 country determined by the United States Secretary of Agriculture to
23 adhere to procedures and standards for seed certification comparable
24 to those adhered to, generally, by agencies described in subparagraph
25 (A) of this subdivision.

26 (6) "Complete record" means any and all information that relates to
27 the origin, treatment, germination, purity, kind or variety of each lot of
28 agricultural seed sold in this state, or that relates to the treatment,
29 germination, kind or variety of each lot of vegetable or flower seed
30 sold in this state, including, but not limited to, seed samples and
31 records of declarations, labels, purchases, sales, conditioning, bulking,
32 treatment, handling, storage, analyses, tests or examinations.

33 (7) "Conditioning" means drying, cleaning, scarifying and other
34 operations that could change the purity or germination of a seed and
35 that requires the seed lot to be retested to determine the label
36 information.

37 (8) "Dormant" means viable seed, excluding hard seed, that fail to
38 germinate when provided the specified germination conditions for the
39 kind of seed in question.

40 (9) "Flower seeds" means seeds of herbaceous plants grown for their
41 blooms, ornamental foliage or other ornamental parts and commonly
42 known and sold under the name of "flower" or "wildflower" seeds in
43 this state.

44 (10) "Genuine grower declaration" means a statement signed by the

45 grower that provides for each lot of seed: (A) The lot number, (B) kind,
46 (C) variety, if known, (D) origin, (E) weight, (F) year of production, (G)
47 date of shipment, and (H) to whom such shipment was made.

48 (11) "Germination" means the emergence and development from the
49 seed embryo of essential structures that, for the kind of seed in
50 question, are indicative of the ability to produce a normal plant under
51 favorable conditions.

52 (12) "Hard seeds" means seeds which remain hard at the end of the
53 prescribed test period because they have not absorbed water due to an
54 impermeable seed coat.

55 (13) "Hybrid" means the first generation seed of a cross produced by
56 controlling the pollination and by combining (A) two or more inbred
57 lines; (B) one inbred or a single cross with an open pollinated variety;
58 or (C) two varieties or species, except open-pollinated varieties of corn,
59 (*Zea mays*) and for which designations are treated as variety names.
60 "Hybrid" does not include the second generation of subsequent
61 generations from such crosses.

62 (14) "Inert matter" means all matter that is not seed, including, but
63 not limited to, broken seeds, sterile florets, chaff, fungus bodies and
64 stones as determined by methods defined by rule as adopted by the
65 Association of Official Seed Analysts, effective October 1, 1978, and
66 amended from time to time.

67 (15) "Introduced wildflower" means kinds or the types and varieties
68 derived from those kinds that are not indigenous to North America.

69 (16) "Kind" means one or more related species or subspecies that
70 singly or collectively is known by one common name, including, but
71 not limited to, corn, oats, alfalfa and timothy.

72 (17) "Labeling" means a tag or other device attached to or written,
73 stamped or printed on any container or accompanying any lot of bulk
74 seeds purporting to set forth the information required on the seed label
75 and includes any other information relating to the labeled seed.

76 (18) "Lot" means a definite quantity of seed identified by a unique
77 lot number or other mark, every portion or bag of which is uniform
78 within recognized tolerances for the factors that appear in the labeling.

79 (19) "Mixture", "mix" or "mixed" means seed consisting of more than
80 one kind, each in excess of five per cent by weight of the whole.

81 (20) "Mulch" means a protective covering of any suitable substance
82 placed with seed that acts to retain sufficient moisture to support seed
83 germination, sustain early seedling growth and aid in the prevention
84 of the evaporation of soil moisture, the control of weeds and the
85 prevention of erosion.

86 (21) "Native wildflower" means kinds or the types and varieties
87 derived from those kinds of flowers that are indigenous to North
88 America.

89 (22) "Prohibited noxious weed seeds" means any weed seed that is
90 prohibited from being present in agricultural, vegetable, flower, tree or
91 shrub seed.

92 (23) "Restricted noxious weed seeds" means any weed seed that is
93 objectionable in agricultural crops, lawns or gardens of this state and
94 that can be controlled by good cultural practices or the use of
95 herbicides.

96 (24) "Undesirable grass seeds" means seeds of grass species declared
97 to be restricted noxious weed seed when found in lawn and turf seed.

98 (25) "Off type" means any seed or plant not a part of the variety in
99 that it deviates in one or more characteristics from the variety as
100 described. "Off type" includes: (A) A seed or plant of another variety;
101 (B) a seed or plant not necessarily of any variety; (C) a seed or plant
102 resulting from cross-pollination by another kind or variety; (D) a seed
103 or plant resulting from uncontrolled self-pollination during production
104 of hybrid seed; or (E) segregates from any of the aforementioned.

105 (26) "Origin" means the area in which the trees are growing for an

106 indigenous stand of trees or the place from which the seeds or plants
107 were originally introduced for a nonindigenous stand of trees.

108 (27) "Other crop seed" means seeds of plants grown as crops, other
109 than the kind or variety included in the pure seed, as determined by
110 methods defined by rule as adopted by the Association of Official Seed
111 Analysts, effective October 1, 1978, and amended from time to time.

112 (28) "Private hearing" means any discussion of facts between the
113 person charged and the Seed Control Officer.

114 (29) "Pure live seed" means the product of the per cent of
115 germination plus hard or dormant seed multiplied by the per cent of
116 pure seed divided by one hundred with the result expressed as a
117 whole number.

118 (30) "Pure seed" means seed exclusive of inert matter and all other
119 seeds not of the seed being considered, as determined by methods
120 defined by rule, as adopted by the Association of Official Seed
121 Analysts, effective October 1, 1978, and amended from time to time.

122 (31) "Seizure" means any legal process carried out by court order
123 against a definite amount of seed.

124 (32) "Stop sale" means an administrative order restraining the sale,
125 use, disposition or movement of a definite amount of seed.

126 (33) "Total viable" means the sum of percentage germination plus
127 dormant plus hard seeds.

128 (34) "Treated" means any seed that receives an application of a
129 substance, or that was subjected to a process for which a claim is made.

130 (35) "Tree or shrub seed" means seeds of woody plants commonly
131 known and sold as tree or shrub seeds in this state.

132 (36) "Tree seed collector's declaration" means a statement signed by
133 a grower or person having knowledge of the place of collection giving,
134 for a lot of seed, the lot number, common or scientific name of the

135 species and subspecies, if appropriate, origin, elevation and quantity of
136 tree and shrub seed.

137 (37) "Type" means a group of varieties so nearly similar that the
138 individual varieties cannot be clearly differentiated except under
139 special conditions.

140 (38) "Variant" means any seed or plant that (A) is distinct within the
141 variety but occurs naturally in the variety, (B) is stable and predictable
142 with a degree of reliability comparable to other varieties of the same
143 kind, within recognized tolerances, when the variety is reproduced or
144 reconstituted, and (C) was originally a part of the variety as released.
145 "Variant" does not include any off type.

146 (39) "Variety" means a subdivision of a kind that is distinct, uniform
147 and stable.

148 (40) "Distinct" means capable of being differentiated by one or more
149 identifiable morphological, physiological or other characteristics from
150 all other varieties of public knowledge.

151 (41) "Uniform" means that variations in essential and distinctive
152 characteristics are describable.

153 (42) "Stable" means that the variety will remain unchanged in its
154 essential and distinctive characteristics and its uniformity when
155 reproduced or reconstituted as required by the different categories of
156 varieties.

157 (43) "Vegetable seeds" means the seeds of any crop that is grown in
158 gardens or on truck farms and that are generally known and sold
159 under the name of "vegetable" or "herb" seeds in this state.

160 (44) "Weed seed" means the seed of all plants generally recognized
161 as weeds within this state, as determined by methods defined by rule,
162 as adopted by the Association of Official Seed Analysts, effective
163 October 1, 1978, and amended from time to time, and includes
164 prohibited and restricted noxious weed seeds.

165 (45) "Seed Control Officer" means the Commissioner of Agriculture.

166 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) Each container of
167 agricultural, vegetable or flower seeds that is sold, offered for sale, or
168 exposed for sale, or transported within this state for sowing purposes
169 shall bear thereon or have attached thereto, in a conspicuous place, a
170 plainly written or printed label or tag in the English language giving
171 the following information, which statement shall not be modified or
172 denied in the labeling or on another label attached to the container:

173 (1) For all agricultural, vegetable and flower seeds that are treated:

174 (A) A word or statement indicating that the seed was treated.

175 (B) The commonly accepted coined, chemical or abbreviated
176 chemical (generic) name of the applied substance or description of the
177 process used.

178 (C) If the substance in the amount present with the seed is harmful
179 to human or other vertebrate animals, a caution statement as follows:
180 "Do not use for food, feed or oil purposes". The caution indicator for
181 mercurials and similarly toxic substances shall be a poison statement
182 or symbol.

183 (D) If the seed is treated with an inoculant, the date beyond which
184 the inoculant is not to be considered effective (date of expiration).

185 (2) For agricultural seeds, except cool season lawn and turf grass
186 seed or mixtures thereof, seed sold on a pure live seed basis, or hybrids
187 that contain less than ninety-five per cent hybrid seed:

188 (A) The name of the kind and variety for each agricultural seed
189 component present in excess of five per cent of the whole and the
190 percentage by weight of each, provided if the variety of those kinds
191 generally labeled as to variety as designated or defined by rule, as
192 adopted by the Association of Official Seed Analysts, effective October
193 1, 1978, and amended from time to time is not stated, the label shall
194 show the name of the kind and the following words: "Variety Not

195 Stated". Hybrids shall be labeled as hybrids.

196 (B) The lot number or other lot identification.

197 (C) The origin (state or foreign country), if known, of alfalfa, red
198 clover and field corn except hybrid corn. If the origin is unknown, such
199 fact shall be stated.

200 (D) The percentage by weight of all weed seeds.

201 (E) The name and rate of occurrence per pound of each kind of
202 restricted noxious weed seed present.

203 (F) The percentage by weight of agricultural seeds, which may be
204 designated as "crop seeds", other than those required to be named on
205 the label.

206 (G) The percentage by weight of inert matter.

207 (H) The total of subparagraphs (D), (F) and (G) of this subdivision
208 shall equal one hundred per cent.

209 (I) For each named agricultural seed:

210 (i) The percentage of germination, exclusive of hard seed;

211 (ii) The percentage of hard seeds, if present; and

212 (iii) The calendar month and year the test was completed to
213 determine such percentages.

214 (J) The "total germination and hard seed", if desired, provided such
215 information shall follow the information required by subparagraphs
216 (A) and (B) of this subdivision.

217 (K) The name and address of the person who labeled such seed, or
218 who sells, offers or exposes such seed for sale in this state.

219 (3) For cool season lawn and turf grasses, including, but not limited
220 to, Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall

221 fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass,
222 colonial bentgrass, creeping bentgrass and any mixture thereof:

223 (A) For single kinds, the name of the kind or kind and variety.

224 (B) For mixtures:

225 (i) The word "mix", "mixed" or "mixture" or "blend" shall be stated
226 with the name of the mixture;

227 (ii) The heading "pure seed" and "germination" or "germ" shall be
228 used in the proper places; and

229 (iii) Commonly accepted name of kind or kind and variety of each
230 agricultural seed component in excess of five per cent of the whole,
231 and the percentage, by weight, of pure seed in order of predominance
232 and in columnar form.

233 (C) The percentage by weight of agricultural seed other than those
234 required to be named on the label.

235 (D) The percentage by weight of inert matter for lawn and turf grass
236 not to exceed ten per cent, except that fifteen per cent inert matter is
237 permitted in Kentucky bluegrass labeled without a variety name.
238 Foreign material, other than material used for coating or pelleting, or
239 combination products, used to enhance the planting value, not
240 common to grass seed, may not be added.

241 (E) The percentage by weight of all weed seeds. Maximum weed
242 seed content is not to exceed one-half of one per cent (0.50%) by
243 weight.

244 (F) The total of subparagraphs (A), (B), (C), (D) and (E) of this
245 subdivision shall be equal to one hundred per cent.

246 (G) Noxious weeds and undesirable grass seed that are required to
247 be labeled shall be listed under the heading "Noxious Weed Seeds" or
248 "Undesirable Grass Seeds". Undesirable grass seeds shall not exceed
249 0.50 per cent by weight.

250 (H) For each agricultural seed named under subparagraph (A) or (B)
251 of this subdivision:

252 (i) Percentage of germination, exclusive of hard seed;

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

254 (iii) The calendar month and year the test was completed to
255 determine such percentages provided the oldest test date shall be used
256 for such purpose.

257 (iv) The statement "sell by (date)", provided such date shall be not
258 later than fifteen months after the first month following the date of the
259 oldest test date.

260 (I) The name and address of the person who labeled such seed or
261 who sells, offers or exposes such seed for sale in the state.

262 (4) For agricultural seeds that are coated:

263 (A) The percentage by weight of pure seeds with coating material
264 removed.

265 (B) The percentage by weight of coating material.

266 (C) The percentage by weight of inert material, exclusive of coating
267 material.

268 (D) The percentage of germination, as determined on four hundred
269 pellets with or without seeds.

270 (E) In addition to the provisions of this subdivision, the labeling of
271 coated seed shall comply with the requirements of subdivisions (1), (2)
272 and (3) of this subsection.

273 (5) For vegetable seeds in packets as prepared for use in home
274 gardens, household plantings or vegetable seeds in preplanted
275 containers, mats, tapes or other planting devices:

276 (A) Name of kind and variety of seed.

277 (B) Lot identification, by lot number or other means.

278 (C) (i) The calendar month and year the germination test was
279 completed and the statement "sell by (date)", provided such date shall
280 be not later than twelve months after the first month following the date
281 of such germination test, or

282 (ii) The year for which the seed was packaged for sale, indicated as
283 "packed for yy" and the statement "sell by yy", provided such year
284 shall indicate a calendar year.

285 (D) The name and address of the person who labeled such seed or
286 who sells, offers or exposes such seed for sale in this state.

287 (E) For seeds that germinate less than the standard last established
288 by the seed control officer:

289 (i) The percentage of germination, exclusive of hard seed;

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

291 (iii) The words "below standard", in not less than eight-point type.

292 (F) For seeds placed in a germination medium, mat, tape or other
293 device in such a way as to make it difficult to determine the quantity of
294 seed without removing the seeds from such medium, mat, tape or
295 device, a statement to indicate the minimum number of seeds in the
296 container.

297 (6) For vegetable seeds in containers prepared for use in home
298 gardens or household plantings, other than packets, preplanted
299 containers, mats, tapes or other planting devices:

300 (A) The name of each kind and variety present in excess of five per
301 cent and the percentage by weight of each, in order of predominance.

302 (B) The lot number or other lot identification.

303 (C) For each named vegetable seed:

- 304 (i) The percentage germination, exclusive of hard seed;
- 305 (ii) The percentage of hard seed, if present; and
- 306 (iii) The calendar month and year the test was completed to
307 determine such percentages.

308 (D) Following the information required pursuant to subparagraphs
309 (A) and (B) of this subdivision, the "total germination and hard seed"
310 may be indicated, if desired.

311 (E) The name and address of the person who labeled such seed, or
312 who sells, offers or exposes such seed for sale in this state.

313 (F) The labeling requirements for vegetable seeds in containers of
314 more than one pound shall be deemed to have been met if the seed is
315 weighed from a properly labeled container in the presence of the
316 purchaser.

317 (7) For flower seeds in packets prepared for use in home gardens,
318 household plantings or flower seeds in preplanted containers, mats,
319 tapes or other planting devices:

320 (A) For all kinds of flower seeds:

321 (i) The name of the kind and variety or a statement of type and
322 performance characteristics, as prescribed in the rules as adopted by
323 the Association of Official Seed Analysts, effective October 1, 1978, and
324 amended from time to time;

325 (ii) (I) The calendar month and year the germination test was
326 completed and the statement "sell by (date)", provided such sell by
327 date shall be not more than twelve months after the first month
328 following the date of such;

329 (II) The year that such seed was packed for sale, indicated as
330 "packed for yy", provided "yy" shall be a calendar year; or

331 (III) The percentage germination and the calendar month and year

332 such test was completed to determine such percentage, provided such
333 germination test was completed within not more than twelve months
334 prior to such labelling; and

335 (iii) The name and address of the person who labeled such seeds, or
336 who sells, offers or exposes such seed for sale in this state.

337 (B) For seeds of those kinds for which standard testing procedures
338 are prescribed and which germinate less than the germination
339 standard last established under rules as adopted by the Association of
340 Official Seed Analysts, effective October 1, 1978, and amended from
341 time to time:

342 (i) The percentage of germination exclusive of hard seeds;

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

344 (iii) The words "below standard", in not less than eight-point type.

345 (C) For seeds placed in a germination medium, mat, tape or other
346 device in such a way as to make it difficult to determine the quantity of
347 seed without removing the seeds from the medium, mat, tape or
348 device, a statement to indicate the minimum number of seeds in the
349 container.

350 (8) For flower seeds in containers other than packets and other than
351 preplanted containers, mats, tapes or other planting devices and not
352 prepared for use in home flower gardens or household plantings:

353 (A) The name of the kind and variety or a statement of type and
354 performance characteristics, as prescribed in rules as adopted by the
355 Association of Official Seed Analysts, effective October 1, 1978, and
356 amended from time to time, and for wildflowers, the genus and
357 species and subspecies, if appropriate.

358 (B) The lot number or other lot identification.

359 (C) For wildflower seed only with a pure seed percentage of less
360 than ninety per cent:

361 (i) The percentage, by weight, of each component listed in order of
362 predominance;

363 (ii) The percentage by weight of weed seed, if present; and

364 (iii) The percentage by weight of inert matter.

365 (D) For those kinds of seed for which standard testing procedures
366 are prescribed:

367 (i) Percentage germination exclusive of hard or dormant seed;

368 (ii) Percentage of hard or dormant seed, if present; and

369 (iii) The calendar month and year that the test was completed to
370 determine such percentages.

371 (E) For those kinds of seed for which standard testing procedures
372 are not available, the year of production or collection.

373 (F) The name and address of the person who labeled the seeds or
374 who sells, offers or exposes such seeds for sale in this state.

375 (9) For agricultural seeds sold on a pure live seed basis, if in
376 accordance with rules as adopted by the Association of Official Seed
377 Analysts, effective October 1, 1978, and amended from time to time,
378 each container shall bear a label containing the information required
379 by subdivision (2) of subsection (b) of this section, except:

380 (A) The label need not show:

381 (i) The percentage by weight of each agricultural seed component;
382 and

383 (ii) The percentage by weight of inert matter.

384 (B) The label shall show for each named agricultural seed, instead of
385 the information required by subparagraph (H) of subdivision (2) of
386 this subsection:

387 (i) The percentage of pure live seed determined in accordance with
388 rules as adopted by the Association of Official Seed Analysts, effective
389 October 1, 1978, and amended from time to time; and

390 (ii) The calendar month and year in which the test determining the
391 percentage of live seed was completed.

392 (10) For agricultural and vegetable hybrid seed that contain less
393 than ninety-five per cent hybrid seed:

394 (A) Kind or variety shall be labeled as "hybrid".

395 (B) The per cent that is hybrid shall be labeled parenthetically in
396 direct association following named variety, for example: "Comet (85%
397 Hybrid)."

398 (C) Varieties in which the pure seed contain less than seventy-five
399 per cent hybrid seed shall not be labeled hybrids.

400 (11) For combination mulch, seed and fertilizer products:

401 (A) The word "combination" followed by the words "mulch-seed-
402 fertilizer", as applicable, shall appear on the upper third of the
403 principal display panel. The word "combination" shall be the largest
404 and most conspicuous type on the container and equal to or larger
405 than the product name. The words "mulch-seed-fertilizer" shall not be
406 smaller than one-half the size of the word "combination" and shall be
407 in close proximity to the word "combination". Any such combination
408 mulch shall contain not less than seventy per cent mulch.

409 (B) On the analysis label for lawn and turf seeds placed in a
410 germination medium, mat, tape or other device or mixed with mulch
411 such label shall contain the following:

412 (i) The product name;

413 (ii) The lot number;

414 (iii) The percentage by weight of pure seed of each kind and variety

- 415 named which may be less than five per cent of the whole;
- 416 (iv) The percentage by weight of other crop seeds;
- 417 (v) The percentage by weight of inert matter which shall not be less
418 than seventy per cent;
- 419 (vi) The percentage by weight of weed seeds;
- 420 (vii) The total of clauses (iii), (iv), (v) and (vi) of this subparagraph
421 shall equal one hundred per cent;
- 422 (viii) The name and number of noxious weed seeds per pound, if
423 present;
- 424 (ix) The percentage of germination and hard seed, if applicable, of
425 each kind or kind and variety named and the date of such determining
426 test; and
- 427 (x) The name and address of tagger.
- 428 (12) For combination products containing seed and granular
429 fertilizer:
- 430 (A) The word "combination" followed by the words "seed-fertilizer"
431 shall appear on the upper third of the principal display panel. The
432 word "combination" shall be the largest and most conspicuous type on
433 the container and shall be equal to or larger than the product name.
434 The words "seed-fertilizer" shall be no smaller than one-half the size of
435 the word "combination" and shall appear in close proximity to the
436 word "combination".
- 437 (B) On the analysis label, the percentage by weight of the fertilizer in
438 such container shall be listed on a separate line as a component of the
439 inert matter.
- 440 (b) Each container of tree or shrub seed that is sold, offered for sale,
441 or exposed for sale or transported in this state for sowing purposes
442 shall bear thereon or have attached thereto in a conspicuous place a

443 plainly written or printed label or tag in the English language, giving
444 the following information, provided such statement shall not be
445 modified or denied in the labeling or on another label attached to such
446 container except labeling of such seed supplied under a contractual
447 agreement may be by invoice accompanying the shipment or by an
448 analysis tag attached to such invoice if each bag or other container is
449 clearly identified by a lot number stenciled on the container or if the
450 seed is in bulk. Each bag or container that is not identified by such a lot
451 number shall contain complete labeling. The provisions of this
452 subsection shall not be deemed to apply to any tree seed produced by
453 a consumer.

454 (1) For all tree or shrub seeds that are treated:

455 (A) Words or a statement indicating that the seed was treated.

456 (B) The commonly accepted coined, chemical or abbreviated
457 chemical (generic) name of the applied substance or description of the
458 process used.

459 (C) If the substance in the amount present with the seed is harmful
460 to human or other vertebrate animals, a caution statement, as follows:
461 "Do not use for food or feed or oil purposes". The caution statement for
462 mercurials and similarly toxic substances shall be a poison statement
463 and symbol.

464 (D) If the seed was treated with an inoculant, the date beyond which
465 the inoculant is not to be considered effective (date of expiration).

466 (2) For all tree or shrub seeds that are not treated:

467 (A) The common name of the species of seed and subspecies, if
468 applicable.

469 (B) The scientific name of the genus and species and subspecies, if
470 applicable.

471 (C) The lot number or other lot identification.

472 (D) The origin:

473 (i) For seed collected from a predominantly indigenous stand, the
474 area of collection given by latitude and longitude, or geographic
475 description, or political subdivision such as a state or county; or

476 (ii) For seed collected from other than a predominantly indigenous
477 stand, an indication of the area of collection and the origin of the stand
478 or the following statement: "Origin not indigenous".

479 (E) The elevation or the upper and lower limits of elevations within
480 which such seed was collected.

481 (F) Purity as a percentage of pure seed by weight.

482 (G) For those species for which standard germination testing
483 procedures are prescribed by the seed control officer, the following:

484 (i) The percentage germination exclusive of hard seed;

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

486 (iii) The calendar month and year the test was completed to
487 determine such percentages.

488 (H) In lieu of the requirements of subparagraph (G) of this
489 subdivision, such seed may be labeled as follows: "Test is in process,
490 results will be supplied upon request".

491 (I) For those species for which standard germination testing
492 procedures are not prescribed by the seed control officer, the calendar
493 year in which the seed was collected.

494 (J) The name and address of the person who labeled such seed or
495 who sells, offers or exposes such seed for sale in this state.

496 Sec. 3. (NEW) (*Effective October 1, 2014*) (a) No person shall sell, offer
497 for sale, expose for sale or transport for sale any agricultural,
498 vegetable, flower, tree or shrub seed that is subject to the germination

499 requirements of section 2 of this act and for which section 2 of this act
500 does not otherwise provide the applicable germination test
501 requirement, if: (1) The test to determine the percentage of germination
502 required by section 2 of this act was completed more than ten months,
503 including the month such testing was performed, before such seed is
504 sold, offered for sale, exposed for sale or transported for sale in this
505 state; (2) such seed is not labeled in accordance with the provisions of
506 section 2 of this act or has a false or misleading label; (3) such seed is
507 associated with a false or misleading advertisement; (4) such seed
508 consists of or contains prohibited noxious weed seeds; (5) such seed
509 consists of or contains restricted noxious weed seeds per pound in
510 excess of the number prescribed by rules as adopted by the Association
511 of Official Seed Analysts, effective October 1, 1978, and amended from
512 time to time, or in excess of the number declared or in excess of the
513 maximum percentage allowed (0.50 per cent) for undesirable grass
514 seeds on the label attached to the container of the seed or associated
515 with such seed; (6) contains more than two and one-half per cent by
516 weight of all weed seeds; (7) any labeling, advertising or other
517 representation required by section 2 of this act represents the seed to
518 be certified seed or any class thereof unless: (A) (i) Such seed conforms
519 to standards of purity and identify as to kind, species and subspecies,
520 if applicable, or variety, as determined by a seed certifying agency, or
521 (ii) in the case of any tree seed, that such seed was found by such seed
522 certifying agency to be of the origin and elevation claimed, in
523 compliance with the rules and regulations of such seed certifying
524 agency, and (B) such seed bears an official label issued for such seed by
525 a seed certifying agency which label certifies that the seed is of a
526 specified class and a specified kind, variety, species and subspecies, if
527 applicable; (8) such seed is labeled with a variety name but such seed
528 is not certified by a seed certifying agency, whenever such seed is a
529 variety for which 7 USC 2321 specifies that the sale of such seed shall
530 be as a class of certified seed, except any seed from a certified lot may
531 be labeled as to variety name when used in a mixture by, or with, the
532 approval of the owner of the variety.

533 (b) The prohibitions contained in subsection (a) of this section shall

534 not apply to any agricultural, vegetable, tree or shrub seed sold,
535 offered for sale, exposed for sale or transported for sale in this state in
536 a hermetically-sealed container. Notwithstanding the provisions of
537 section 2 of this act and subsection (a) of this section, agricultural or
538 vegetable seeds packaged in hermetically sealed containers under the
539 conditions defined in rules as adopted by the Association of Official
540 Seed Analysts, effective October 1, 1978, and amended from time to
541 time, may be sold, exposed for sale or offered for sale or transportation
542 in this state for a period of thirty-six months after the last day of the
543 month that such seeds were tested for germination prior to packaging.
544 If any agricultural or vegetable seed in a hermetically sealed container
545 is sold, exposed for sale, or offered for sale or transportation in this
546 state more than thirty-six months after the last day of the month in
547 which such seed was tested prior to packaging, such seed shall be
548 retested not earlier than ten months, inclusive of the month of such
549 retest, prior to the sale, exposure for sale, offering for sale or
550 transportation of such seed.

551 (c) No person shall: (1) Detach, alter, deface or destroy any label
552 required pursuant to section 2 of this act, (2) alter or substitute seed in
553 a manner inconsistent with the requirements of section 2 of this act, (3)
554 use relabeling stickers that do not have both the calendar month and
555 year the germination test was completed, the sell by date and the lot
556 number that matches the existing, original lot number, (4) use a
557 relabeling sticker for a seed more than one time, (5) disseminate any
558 false or misleading advertisement concerning any seed that is subject
559 to the provisions of section 2 of this act or this section, (6) hinder or
560 obstruct, in any way, the seed control officer in the performance of his
561 or her duties, as prescribed by section 2 of this act, (7) fail to comply
562 with a "stop sale" order or to move or otherwise handle or dispose of
563 any lot of seed held under a "stop sale" order or dispose of any tag
564 attached to such a lot, except with the express permission of the seed
565 control officer, (8) use the word "trace" or the phrase "contains > than
566 .01%" as a substitute for any statement that is required pursuant to
567 section 2 of this act, (9) use the word "type" in any labeling in
568 connection with the name of any agricultural seed variety, or (10) alter

569 or falsify any seed label, seed tests, laboratory report, record or other
570 document for the purpose of creating a misleading impression as to
571 kind, variety, history, quality or origin of such seed.

572 Sec. 4. (NEW) (*Effective October 1, 2014*) Each person whose name
573 appears on the label as handling agricultural, vegetable, flower, tree or
574 shrub seeds pursuant to section 2 or 3 of this act, shall keep for a
575 period of two years complete records of each lot of agricultural,
576 vegetable, flower, tree or shrub seed handled and keep for one year a
577 file sample of each lot of seed after final disposition of said lot. Any
578 such records and samples pertaining to such a lot shall be accessible
579 for inspection by the seed control officer, or such officer's agent during
580 customary business hours. The provisions of this section shall not be
581 deemed to apply to any tree seed produced by a consumer.

582 Sec. 5. (NEW) (*Effective October 1, 2014*) The provisions of sections 2
583 and 3 of this act shall not be construed to apply to: (1) Seed or grain
584 that is not intended for sowing purposes, (2) cleaned or conditioned
585 seed that is in storage within, or that is in transit or consigned to a
586 cleaning or conditioning establishment, (3) any carrier with respect to
587 any seed transported or delivered for transport in the ordinary course
588 of such carrier's business, provided such carrier is not engaged in
589 producing, conditioning or marketing seeds, or (4) any person who
590 sells or offers for sale any seed that is incorrectly labeled or
591 represented as to kind, species, subspecies, variety, type, origin,
592 elevation, or year of collection, provided: (A) Such seeds cannot be
593 properly identified for such characteristic by examination thereof, and
594 (B) such person has not failed to obtain an invoice, genuine grower's or
595 tree seed collector's declaration or other labeling information and to
596 take such other precautions as may be reasonable to insure the veracity
597 of such labeled characteristic.

598 Sec. 6. (NEW) (*Effective October 1, 2014*) (a) The duty to enforce the
599 provisions of sections 2 to 5, inclusive, of this act, is hereby vested in
600 the seed control officer. Said seed control officer, or such officer's duly
601 appointed agent, shall: (1) Sample, inspect, make analysis of and test

602 seeds that are transported, sold, offered or exposed for sale in the state
603 for sowing purposes, at such time and place and to such extent as such
604 officer may deem necessary to determine whether the labeling for such
605 seeds complies with the requirements of sections 2 and 3 of this act, (2)
606 promptly notify the person who sold, offered or exposed for sale such
607 seed and, if applicable, the person who labeled or transported such
608 seed, of any violation, "stop sale" order or seizure, and (3) adopt
609 regulations, in accordance with the provisions of chapter 54 of the
610 general statutes, concerning: (A) Methods of sampling, inspecting,
611 analyzing, testing and examining seeds and the tolerances to be used,
612 (B) provisions required for the enforcement of sections 2 to 5, inclusive,
613 of this act, (C) the development of a prohibited and restricted noxious
614 weed list, (D) reasonable standards of germination for vegetable seeds
615 and flower seeds, (E) labeling flower seeds with respect to kind and
616 variety or type and performance characteristics for such seeds, (F) the
617 development of a list of the kinds of flower seeds subject to the flower
618 seed germination labeling requirements described in section 2 of this
619 act, (G) the development of a list of the tree seed and the shrub seed
620 species subject to germination labeling requirements, as described in
621 section 2 of this act, and (H) the development of a list of the kinds of
622 vegetable seeds subject to the vegetable seed germination labeling
623 requirements, as described in section 2 of this act.

624 (b) In furtherance of the provisions of sections 2 to 5, inclusive, of
625 this act, the seed control officer may: (1) Enter upon any public or
626 private premises during customary business hours for the purpose of
627 gaining access to seeds and the records connected with such seeds, any
628 truck or other conveyor by land, water or air at any time when the
629 conveyor is accessible, (2) issue and enforce a written or printed "stop
630 sale" order, as described in section 7 of this act, to the owner or
631 custodian of any lot of seed for the purpose of enforcing the provisions
632 of sections 2 to 5, inclusive, of this act, (3) establish, maintain or make
633 provision for the use of seed testing facilities for the purpose of
634 enforcing the provisions of sections 2 to 5, inclusive, of this act, (4)
635 perform or provide for the performance of purity and germination
636 tests of seed for farmers and dealers upon request, (5) adopt

637 regulations, in accordance with the provisions of chapter 54 of the
638 general statutes, concerning purity and germination tests, including,
639 but not limited to, establishing a fee for the performance of such tests,
640 (6) cooperate with the United States Department of Agriculture or any
641 other federal or state agency involved in seed law enforcement.

642 (c) The provisions of sections 2 to 9, inclusive, of this act shall
643 supersede and preempt the provisions of any municipal law or
644 ordinance relative to the registration, sale, labeling, storage,
645 transportation, distribution, notification of use or use of seeds.

646 Sec. 7. (NEW) (*Effective October 1, 2014*) Any "stop sale" order issued
647 by the seed control officer to enforce the provisions of sections 2 to 5,
648 inclusive, of this act shall prohibit the sale, conditioning and
649 movement of such seed, except upon the approval of said seed control
650 officer, until such officer finds that any requirement of sections 2 to 5,
651 inclusive, of this act, is met and, as a result of such finding, said control
652 officer issues a release from said "stop sale" order. Any person
653 aggrieved by a "stop sale" order issued by the seed control officer may
654 appeal such order to the Superior Court.

655 Sec. 8. (NEW) (*Effective October 1, 2014*) (a) Any lot of seed that does
656 not comply with the requirements of sections 2 to 5, inclusive, of this
657 act, shall be subject to seizure upon complaint of the seed control
658 officer to the Superior Court. If, following opportunity for a hearing on
659 such matter, the court finds such seed to not comply with the
660 provisions of sections 2 to 5, inclusive, of this act, and orders the
661 condemnation of such seed, the seed shall be denatured, processed,
662 destroyed, relabeled, or otherwise disposed of in compliance with the
663 provisions of the general statutes.

664 (b) Whenever, in the performance of his or her duties, the seed
665 control officer applies to the Superior Court for a temporary or
666 permanent injunction restraining any person from violating or
667 continuing to violate any provision of sections 2 to 5, inclusive, of this
668 act, and such injunction is granted, such injunction shall be issued
669 without bond.

670 Sec. 9. (NEW) (*Effective October 1, 2014*) Any person who violates the
671 provisions of sections 2 to 5, inclusive, of this act shall be guilty of a
672 class D misdemeanor and shall be fined one hundred dollars for the
673 first offense and two hundred dollars for each subsequent offense.

674 Sec. 10. Subsection (b) of section 51-164n of the 2014 supplement to
675 the general statutes is repealed and the following is substituted in lieu
676 thereof (*Effective October 1, 2014*):

677 (b) Notwithstanding any provision of the general statutes, any
678 person who is alleged to have committed (1) a violation under the
679 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
680 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
681 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
682 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
683 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
684 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
685 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
686 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
687 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
688 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
689 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
690 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
691 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
692 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
693 14-153 or 14-163b, a first violation as specified in subsection (f) of
694 section 14-164i, section 14-219 as specified in subsection (e) of said
695 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
696 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
697 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
698 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
699 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
700 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
701 subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22,
702 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
703 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,

704 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-
705 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,
706 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,
707 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,
708 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-
709 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-
710 47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-
711 21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or
712 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63
713 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,
714 subdivision (1) of subsection (a) of section 21a-159, subsection (a) of
715 section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34,
716 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49,
717 22-54, [22-61,] 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279,
718 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e)
719 or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414,
720 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection
721 (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and
722 (d) of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or
723 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-
724 65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-
725 43d, 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49,
726 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of
727 section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-
728 79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-
729 117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section
730 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of
731 section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260,
732 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-
733 109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section
734 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198,
735 section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c,
736 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,
737 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,
738 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54,

739 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,
 740 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
 741 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-
 742 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
 743 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-
 744 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,
 745 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a
 746 violation under the provisions of chapter 268, or (3) a violation of any
 747 regulation adopted in accordance with the provisions of section 12-484,
 748 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or
 749 bylaw of any town, city or borough, except violations of building codes
 750 and the health code, for which the penalty exceeds ninety dollars but
 751 does not exceed two hundred fifty dollars, unless such town, city or
 752 borough has established a payment and hearing procedure for such
 753 violation pursuant to section 7-152c, shall follow the procedures set
 754 forth in this section.

755 Sec. 11. Sections 22-55 to 22-61a, inclusive, of the general statutes are
 756 repealed. (*Effective October 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>October 1, 2014</i>	New section
Sec. 4	<i>October 1, 2014</i>	New section
Sec. 5	<i>October 1, 2014</i>	New section
Sec. 6	<i>October 1, 2014</i>	New section
Sec. 7	<i>October 1, 2014</i>	New section
Sec. 8	<i>October 1, 2014</i>	New section
Sec. 9	<i>October 1, 2014</i>	New section
Sec. 10	<i>October 1, 2014</i>	51-164n(b)
Sec. 11	<i>October 1, 2014</i>	Repealer section

ENV *Joint Favorable C/R*

JUD

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill increases the penalty for violating the seed law from a fine to a class D misdemeanor. As there have been no violations under current law, this change is not anticipated to result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5310*****AN ACT CONCERNING CONNECTICUT'S SEED LAW.*****SUMMARY:**

This bill replaces Connecticut's seed law with provisions based on the Association of American Seed Control Officials' Recommended Uniform State Seed Law. Similar to current law, the bill:

1. establishes labeling requirements for seed sold, offered for sale, or transported in Connecticut;
2. imposes certain sales restrictions and record retention requirements;
3. authorizes the agriculture commissioner to enforce the requirements; and
4. establishes penalties for violations.

Among the differences from current law, the bill:

1. applies to flower seeds and tree or shrub seeds, instead of just agricultural and vegetable seeds;
2. distinguishes between cool-season and warm-season grass seed;
3. updates and expands labeling requirements to account for current technology and terminology;
4. specifies that its provisions supersede and preempt any municipal law or ordinance regarding the registration, sale, labeling, storage, transportation, distribution, notification of, or use of seeds;

5. increases the penalty for violating the seed law from a fine to a class D misdemeanor with a specified fine; and
6. eliminates a requirement that seed sellers or transporters register annually with the agriculture commissioner.

EFFECTIVE DATE: October 1, 2014

§ 2 — LABELING REQUIREMENTS

Under current law, each container of agricultural or vegetable seed sold, offered or exposed for sale, or transported in Connecticut for sowing purposes must have a conspicuous label written or printed in English with specified information. The bill extends this requirement to flower seed and tree or shrub seed containers.

The labels must generally contain information about whether the seed was treated with any substance that is harmful to people or animals; the name, kind, and variety of seed; the lot number; the seed's origin; any weed seeds present; the seed's germination testing; the name of the person who labeled the seed or who is selling the seed; and other specified information.

Current law identifies specific labeling requirements for five seed categories:

1. agricultural and vegetable seeds treated with a substance designed to (a) control or repel disease, insects, or other pests or (b) improve plant development;
2. agricultural seeds, except for grass seed mixtures;
3. grass seed mixtures in containers of 50 pounds or less;
4. vegetable seeds in containers of one pound or less; and
5. vegetable seeds in containers of more than one pound.

The bill instead identifies specific labeling requirements for 14 seed categories:

1. agricultural, vegetable, and flower seeds treated with a substance or subjected to a process for which a claim is made;
2. agricultural seeds, except (a) cool-season grass seed, (b) seed sold on a pure live basis, or (c) hybrids with less than 95% hybrid seed;
3. cool-season grass seed, including Kentucky bluegrass, various fescues, various ryegrasses, and colonial or creeping bentgrass;
4. agricultural seeds that are coated;
5. vegetable seeds in packets prepared for use in home gardens or household plantings or in pre-planted containers, mats, tapes, or other planting devices;
6. vegetable seeds in containers prepared for use in home gardens or household plantings, excluding packets, pre-planted containers, mats, tapes, or other planting devices;
7. flower seeds in packets prepared for use in home gardens or household plantings or in pre-planted containers, mats, tapes, or other planting devices;
8. flower seeds in containers, excluding packets, pre-planted containers, mats, tapes, or other planting devices, and not prepared for use in home gardens or household plantings;
9. agricultural seeds sold on a pure live basis;
10. agricultural and vegetable hybrid seed containing less than 95% hybrid seed;
11. combination mulch, seed, and fertilizer products;
12. combination products containing seed and granular fertilizer;
13. tree or shrub seeds treated with a substance or subjected to a process for which a claim is made; and

14. untreated tree or shrub seeds.

§ 3 — SALE RESTRICTIONS

Sales and Transport Prohibitions

Under current law, no one may sell, offer or expose for sale, or transport for sale any agricultural or vegetable seed within Connecticut unless a germination test was completed within the preceding nine months, not counting the month in which the test was performed. The bill (1) applies the restriction to flower seed and tree or shrub seed and (2) changes the time period for germination testing to within 10 months including the month in which the test was performed.

Also under current law, no one may sell, offer or expose for sale, or transport for sale any agricultural or vegetable seed within Connecticut unless it is labeled as required, does not have a false or misleading label or advertisement, meets certain purity standards, does not contain prohibited noxious-weed seeds, does not contain restricted noxious-weed seeds beyond certain tolerance levels, and does not contain more than 2½% by weight of all weed seeds. The bill applies these requirements to flower seed and tree or shrub seed.

Exception to Sales and Transport Prohibitions

The bill adds an exception to the sale restrictions for certain hermetically sealed seed containers. Specifically, the prohibitions do not apply to any agricultural, vegetable, or tree or shrub seed sold, offered or exposed for sale, or transported for sale in Connecticut in a hermetically sealed container.

But, agricultural or vegetable seeds packaged in a hermetically sealed container may only be sold, offered or exposed for sale, or transported in the state for a 36-month period after the last day of the month in which the seeds were tested for germination before packaging. After the 36-month period, the seed must be retested within 10 months before selling, exposing or offering for sale, or transporting.

Generally Applicable Prohibitions

The bill prohibits anyone from:

1. using a relabeling sticker for a seed more than once;
2. using a relabeling sticker that does not have the (a) calendar month and year the germination test was completed, (b) sell-by date, and (c) lot number that matches the existing, original lot number;
3. altering or falsifying any seed label, seed tests, laboratory report, record, or other document to mislead another on the kind, variety, history, quality, or origin on the seed; and
4. using the phrase “contains > than .01%” on a label as a substitute for any required statement.

The law already prohibits anyone from:

1. detaching, altering, defacing, or destroying a seed label;
2. altering or substituting seed in a manner that is inconsistent with the labeling requirements;
3. disseminating any false or misleading advertisement concerning any seed subject to the labeling requirements;
4. hindering or obstructing the agriculture commissioner in the performance of his duties;
5. failing to comply with a “stop sale” order or moving, handling, or disposing of any seed held under a “stop sale” order or disposing of any tag attached to it, except with the commissioner’s express permission;
6. using the word “trace” as a substitute for any required statement; and
7. using the word “type” in any labeling in connection with the

name of an agricultural seed variety.

§ 4 — RECORD RETENTION REQUIREMENTS

The bill extends to people whose names appear on a label as handling flower seed or tree or shrub seed, certain record retention provisions that already apply to people whose names appear on labels as handling agricultural or vegetable seed. Thus, under the bill, anyone whose name appears on the label as handling the seeds must keep (1) for two years, a complete record of each seed lot handled and (2) for one year, a file sample of each seed lot after the final disposition of the lot. The records and samples must be accessible for inspection by the agriculture commissioner or his agent during business hours.

The bill specifies that these requirements do not apply to any tree seed a consumer produces.

§ 5 — EXEMPTIONS

The bill, as under current law, exempts certain seed and people from the labeling requirements and sales restrictions under certain conditions.

Similar to current law, the bill's provisions do not apply to:

1. seed or grain not intended for sowing purposes;
2. cleaned or conditioned seed in storage within, or in transit or consigned to, a cleaning or conditioning establishment;
3. any carrier transporting or delivering seed in the ordinary course of the carrier's business, if the carrier does not produce, condition, or market seeds; and
4. anyone who sells or offers for sale seed incorrectly labeled as to kind, species, subspecies, variety, type, origin, elevation, or year of collection, if (a) the seeds cannot be properly identified upon examination and (b) he or she obtained an invoice, genuine grower's or tree seed collector's declaration, or other labeling information, and took reasonable precautions to insure the

label's veracity.

§ 6 — COMMISSIONER'S ENFORCEMENT DUTIES AND POWERS

Enforcement Duties

Under current law and the bill, the agriculture commissioner has the duty to enforce Connecticut's seed law. He, or his agent, must:

1. sample, inspect, analyze, and test seeds transported, sold, or offered or exposed for sale in Connecticut as he deems necessary to determine if they comply with the labeling requirements;
2. promptly notify the seller and the labeler or transporter, as applicable, of any violation, "stop sale" order, or seizure; and
3. adopt regulations.

The bill expands the scope of the regulations that the commissioner must adopt. By law, they must include:

1. methods of sampling, inspecting, analyzing, testing, and examining seeds and the tolerances to be used;
2. provisions necessary for enforcement;
3. a prohibited and restricted noxious weed list; and
4. reasonable standards of germination for vegetable seeds.

The bill requires that the regulations also include:

1. reasonable standards of germination for flower seeds;
2. labeling flower seeds with respect to kind and variety or type and performance characteristics for the seeds; and
3. lists of the kinds of (a) flower seeds, (b) tree or shrub seeds, and (c) vegetable seeds subject to the respective germination labeling requirements.

Enforcement Powers

By law, the commissioner, in carrying out his duties, may:

1. access seeds and related records by entering (a) public or private premises during business hours and (b) a truck or other conveyer when accessible;
2. issue and enforce a “stop sale” order (see below) to the owner or custodian of any seed lot;
3. establish, maintain, or use seed testing facilities;
4. perform or provide for the performance of purity and germination tests for farmers and dealers on request;
5. adopt regulations on these purity and germination tests, including a fee to be charged for testing; and
6. cooperate with the U.S. Department of Agriculture or any other federal or state agency involved in seed law enforcement.

§ 7 — STOP SALE ORDERS

Under the bill, as under current law, a stop sale order the commissioner issues must prohibit the sale, conditioning, and movement of seed, except on his approval, until the commissioner finds the law’s requirements are met and he issues a release from the stop sale order. Anyone aggrieved by a commissioner’s order may appeal to Superior Court.

§ 8 — SEIZURES AND INJUNCTIONS

Seizures

Under the bill, as under current law, the commissioner may, upon complaint to the Superior Court, seize any seed lot that does not meet the bill’s requirements. If, after an opportunity for a hearing, the court finds the seed does not comply with the bill and orders the condemnation of the seed, the seed must be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with law.

Injunctions

Under the bill, as under current law, if the commissioner applies to Superior Court for, and is granted, a temporary or permanent injunction restraining someone from violating or continuing to violate the seed law, the injunction must be issued without bond.

§§ 9 & 10 — PENALTY

The bill increases the penalty for violating the seed law from a fine to a class D misdemeanor with a mandatory fine.

Under current law, anyone who violates the seed law is fined up to \$100 for a first offense and up to \$250 for each subsequent offense. The fine can be mailed in to the Central Infractions Bureau without a court appearance.

The bill instead makes a violation of the seed law a class D misdemeanor, subject to a \$100 fine for the first offense and \$200 fine for each subsequent offense. In addition to the fine, a person may receive up to 30 days in prison. Fines can no longer be mailed in, thus, a court appearance is required.

COMMITTEE ACTION

Environment Committee

Joint Favorable Change of Reference
Yea 27 Nay 0 (03/07/2014)

Judiciary Committee

Joint Favorable
Yea 30 Nay 3 (04/01/2014)