



House Bill No. 5310

Public Act No. 14-223

AN ACT CONCERNING CONNECTICUT'S SEED LAW.

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

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

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

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

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

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

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

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

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

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

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

(10) "Genuine grower declaration" means a statement signed by the grower that provides for each lot of seed: (A) The lot number, (B) kind,

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(C) variety, if known, (D) origin, (E) weight, (F) year of production, (G) date of shipment, and (H) to whom such shipment was made.

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

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

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

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

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

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

(17) "Labeling" means a tag or other device attached to or written, stamped or printed on any container or accompanying any lot of bulk

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seeds purporting to set forth the information required on the seed label and includes any other information relating to the labeled seed.

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

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

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

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

(22) "Prohibited noxious weed seeds" means any weed seed that is prohibited from being present in agricultural, vegetable, flower, tree or shrub seed and that is highly destructive and difficult to control by good cultural practices and the use of herbicides.

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

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

(25) "Off type" means any seed or plant not a part of the variety in that it deviates in one or more characteristics from the variety as

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described. "Off type" includes: (A) A seed or plant of another variety; (B) a seed or plant not necessarily of any variety; (C) a seed or plant resulting from cross-pollination by another kind or variety; (D) a seed or plant resulting from uncontrolled self-pollination during production of hybrid seed; or (E) segregates from any of the aforementioned.

(26) "Origin" means the area in which the trees are growing for an indigenous stand of trees or the place from which the seeds or plants were originally introduced for a nonindigenous stand of trees.

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

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

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

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

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

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

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

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

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

(36) "Tree seed collector's declaration" means a statement signed by a grower or person having knowledge of the place of collection giving, for a lot of seed, the lot number, common or scientific name of the species and subspecies, if appropriate, origin, elevation and quantity of tree and shrub seed.

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

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

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

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

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

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

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

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

(45) "Seed Control Officer" means the Commissioner of Agriculture or the commissioner's designee.

(46) "Person" means any individual, partnership, corporation, company, association, receiver, trustee or agent.

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

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

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

(B) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or description of the

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process used.

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

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

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

(A) The name of the kind and variety for each agricultural seed component present in excess of five per cent of the whole and the percentage by weight of each, provided if the variety of those kinds generally labeled as to variety as designated or defined by rule, as adopted by the Association of American Seed Control Officials, effective October 1, 1978, and amended from time to time is not stated, the label shall show the name of the kind and the following words: "Variety Not Stated". Hybrids shall be labeled as hybrids.

(B) The lot number or other lot identification.

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

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

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

(F) The percentage by weight of agricultural seeds, which may be

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designated as "crop seeds", other than those required to be named on the label.

(G) The percentage by weight of inert matter.

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

(I) For each named agricultural seed:

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

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

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

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

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

(3) For cool season lawn and turf grasses, including, but not limited to, Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass, creeping bentgrass and any mixture thereof:

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

(B) For mixtures:

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

(ii) The heading "pure seed" and "germination" or "germ" shall be

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used in the proper places; and

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

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

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

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

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

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

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

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

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

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

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

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

(4) For agricultural seeds that are coated:

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

(B) The percentage by weight of coating material.

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

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

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

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

(A) Name of kind and variety of seed.

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

(C) (i) The calendar month and year the germination test was

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completed and the statement "sell by (date)", provided such date shall be not later than twelve months after the first month following the date of such germination test, or

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

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

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

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

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

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

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

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

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

(B) The lot number or other lot identification.

(C) For each named vegetable seed:

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

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

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

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

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

(A) For all kinds of flower seeds:

(i) The name of the kind and variety or a statement of type and performance characteristics, as prescribed in the rules as adopted by the Association of American Seed Control Officials, effective October 1, 1978, and amended from time to time;

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

(II) The year that such seed was packed for sale, indicated as

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"packed for yy", provided "yy" shall be a calendar year; or

(III) The percentage germination and the calendar month and year such test was completed to determine such percentage, provided such germination test was completed within not more than twelve months prior to such labelling; and

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

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

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

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

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

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

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

(A) The name of the kind and variety or a statement of type and performance characteristics, as prescribed in rules as adopted by the Association of American Seed Control Officials, effective October 1, 1978, and amended from time to time, and for wildflowers, the genus

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and species and subspecies, if appropriate.

(B) The lot number or other lot identification.

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

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

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

(iii) The percentage by weight of inert matter.

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

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

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

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

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

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

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

(A) The label need not show:

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

(ii) The percentage by weight of inert matter.

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

(i) The percentage of pure live seed determined in accordance with rules as adopted by the Association of American Seed Control Officials, effective October 1, 1978, and amended from time to time; and

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

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

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

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

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

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

(A) The word "combination" followed by the words "mulch-seed-fertilizer", as applicable, shall appear on the upper third of the principal display panel. The word "combination" shall be the largest and most conspicuous type on the container and equal to or larger than the product name. The words "mulch-seed-fertilizer" shall not be

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smaller than one-half the size of the word "combination" and shall be in close proximity to the word "combination". Any such combination mulch shall contain not less than seventy per cent mulch.

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

(i) The product name;

(ii) The lot number;

(iii) The percentage by weight of pure seed of each kind and variety named which may be less than five per cent of the whole;

(iv) The percentage by weight of other crop seeds;

(v) The percentage by weight of inert matter which shall not be less than seventy per cent;

(vi) The percentage by weight of weed seeds;

(vii) The total of clauses (iii), (iv), (v) and (vi) of this subparagraph shall equal one hundred per cent;

(viii) The name and number of noxious weed seeds per pound, if present;

(ix) The percentage of germination and hard seed, if applicable, of each kind or kind and variety named and the date of such determining test; and

(x) The name and address of tagger.

(12) For combination products containing seed and granular fertilizer:

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(A) The word "combination" followed by the words "seed-fertilizer" shall appear on the upper third of the principal display panel. The word "combination" shall be the largest and most conspicuous type on the container and shall be equal to or larger than the product name. The words "seed-fertilizer" shall be no smaller than one-half the size of the word "combination" and shall appear in close proximity to the word "combination".

(B) On the analysis label, the percentage by weight of the fertilizer in such container shall be listed on a separate line as a component of the inert matter.

(b) Each container of tree or shrub seed that is sold, offered for sale, or exposed for sale or transported in this state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, provided such statement shall not be modified or denied in the labeling or on another label attached to such container except labeling of such seed supplied under a contractual agreement may be by invoice accompanying the shipment or by an analysis tag attached to such invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that is not identified by such a lot number shall contain complete labeling. The provisions of this subsection shall not be deemed to apply to any tree seed produced by a consumer.

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

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

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

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

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

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

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

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

(C) The lot number or other lot identification.

(D) The origin:

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

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

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

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

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

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

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

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

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

Sec. 3. (NEW) (*Effective October 1, 2014*) (a) No person shall sell, offer for sale, expose for sale or transport for sale any agricultural, vegetable, flower, tree or shrub seed that is subject to the germination requirements of section 2 of this act and for which section 2 of this act does not otherwise provide the applicable germination test requirement, if: (1) The test to determine the percentage of germination required by section 2 of this act was completed more than ten months, including the month such testing was performed, before such seed is sold, offered for sale, exposed for sale or transported for sale in this state; (2) such seed is not labeled in accordance with the provisions of section 2 of this act or has a false or misleading label; (3) such seed is associated with a false or misleading advertisement; (4) such seed consists of or contains prohibited noxious weed seeds; (5) such seed consists of or contains restricted noxious weed seeds per pound in excess of the number prescribed by rules as adopted by the Association of American Seed Control Officials, effective October 1, 1978, and amended from time to time, or in excess of the number declared or in

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excess of the maximum percentage allowed (0.50 per cent) for undesirable grass seeds on the label attached to the container of the seed or associated with such seed; (6) contains more than two and one-half per cent by weight of all weed seeds; (7) any labeling, advertising or other representation required by section 2 of this act represents the seed to be certified seed or any class thereof unless: (A) (i) Such seed conforms to standards of purity and identify as to kind, species and subspecies, if applicable, or variety, as determined by a seed certifying agency, or (ii) in the case of any tree seed, that such seed was found by such seed certifying agency to be of the origin and elevation claimed, in compliance with the rules and regulations of such seed certifying agency, and (B) such seed bears an official label issued for such seed by a seed certifying agency which label certifies that the seed is of a specified class and a specified kind, variety, species and subspecies, if applicable; or (8) such seed is labeled with a variety name but such seed is not certified by a seed certifying agency, whenever such seed is a variety for which 7 USC 2321 specifies that the sale of such seed shall be as a class of certified seed, except any seed from a certified lot may be labeled as to variety name when used in a mixture by, or with, the approval of the owner of the variety.

(b) The prohibitions contained in subsection (a) of this section shall not apply to any agricultural, vegetable, tree or shrub seed sold, offered for sale, exposed for sale or transported for sale in this state in a hermetically-sealed container. Notwithstanding the provisions of section 2 of this act and subsection (a) of this section, agricultural or vegetable seeds packaged in hermetically sealed containers under the conditions defined in rules as adopted by the Association of American Seed Control Officials, effective October 1, 1978, and amended from time to time, may be sold, exposed for sale or offered for sale or transportation in this state for a period of thirty-six months after the last day of the month that such seeds were tested for germination prior to packaging. If any agricultural or vegetable seed in a hermetically

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sealed container is sold, exposed for sale, or offered for sale or transportation in this state more than thirty-six months after the last day of the month in which such seed was tested prior to packaging, such seed shall be retested not earlier than ten months, inclusive of the month of such retest, prior to the sale, exposure for sale, offering for sale or transportation of such seed.

(c) No person shall: (1) Detach, alter, deface or destroy any label required pursuant to section 2 of this act, (2) alter or substitute seed in a manner inconsistent with the requirements of section 2 of this act, (3) use relabeling stickers that do not have both the calendar month and year the germination test was completed, the sell by date and the lot number that matches the existing, original lot number, (4) use a relabeling sticker for a seed more than one time, (5) disseminate any false or misleading advertisement concerning any seed that is subject to the provisions of section 2 of this act or this section, (6) hinder or obstruct, in any way, the seed control officer in the performance of his or her duties, as prescribed by section 2 of this act, (7) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or dispose of any tag attached to such a lot, except with the express permission of the seed control officer, (8) use the word "trace" or the phrase "contains > than .01%" as a substitute for any statement that is required pursuant to section 2 of this act, (9) use the word "type" in any labeling in connection with the name of any agricultural seed variety, or (10) alter or falsify any seed label, seed tests, laboratory report, record or other document for the purpose of creating a misleading impression as to kind, variety, history, quality or origin of such seed.

Sec. 4. (NEW) (*Effective October 1, 2014*) Each person whose name appears on the label as handling agricultural, vegetable, flower, tree or shrub seeds pursuant to section 2 or 3 of this act, shall keep for a period of two years complete records of each lot of agricultural,

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vegetable, flower, tree or shrub seed handled and keep for one year a file sample of each lot of seed after final disposition of said lot. Any such records and samples pertaining to such a lot shall be accessible for inspection by the seed control officer, or such officer's agent during customary business hours. The provisions of this section shall not be deemed to apply to any tree seed produced by a consumer.

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

Sec. 6. (NEW) (*Effective October 1, 2014*) (a) The duty to enforce the provisions of sections 2 to 5, inclusive, of this act, is hereby vested in the seed control officer. Said seed control officer, or such officer's duly appointed agent, shall: (1) Sample, inspect, make analysis of and test seeds that are transported, sold, offered or exposed for sale in the state for sowing purposes, at such time and place and to such extent as such officer may deem necessary to determine whether the labeling for such seeds complies with the requirements of sections 2 and 3 of this act, (2) promptly notify the person who sold, offered or exposed for sale such

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seed and, if applicable, the person who labeled or transported such seed, of any violation, "stop sale" order or seizure, and (3) adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, concerning: (A) Methods of sampling, inspecting, analyzing, testing and examining seeds and the tolerances to be used, (B) provisions required for the enforcement of sections 2 to 5, inclusive, of this act, (C) the development of a prohibited and restricted noxious weed list, (D) reasonable standards of germination for vegetable seeds and flower seeds, (E) labeling flower seeds with respect to kind and variety or type and performance characteristics for such seeds, (F) the development of a list of the kinds of flower seeds subject to the flower seed germination labeling requirements described in section 2 of this act, (G) the development of a list of the tree seed and the shrub seed species subject to germination labeling requirements, as described in section 2 of this act, and (H) the development of a list of the kinds of vegetable seeds subject to the vegetable seed germination labeling requirements, as described in section 2 of this act.

(b) In furtherance of the provisions of sections 2 to 5, inclusive, of this act, the seed control officer may: (1) Enter upon any public or private premises during customary business hours for the purpose of gaining access to seeds and the records connected with such seeds, any truck or other conveyer by land, water or air at any time when the conveyer is accessible, (2) issue and enforce a written or printed "stop sale" order, as described in section 7 of this act, to the owner or custodian of any lot of seed for the purpose of enforcing the provisions of sections 2 to 5, inclusive, of this act, (3) establish, maintain or make provision for the use of seed testing facilities for the purpose of enforcing the provisions of sections 2 to 5, inclusive, of this act, (4) perform or provide for the performance of purity and germination tests of seed for farmers and dealers upon request, (5) adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, concerning purity and germination tests, including,

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but not limited to, establishing a fee for the performance of such tests, and (6) cooperate with the United States Department of Agriculture or any other federal or state agency involved in seed law enforcement.

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

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

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

(b) Whenever, in the performance of his or her duties, the seed control officer applies to the Superior Court for a temporary or permanent injunction restraining any person from violating or continuing to violate any provision of sections 2 to 5, inclusive, of this act, and such injunction is granted, such injunction shall be issued

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without bond.

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

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

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of

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section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, [22-61,] 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-

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109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

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

Approved June 13, 2014