



AN ACT PROHIBITING SEED CLEANING OR CONDITIONING WITHOUT DEPARTMENT DECLARATION;  
AND AMENDING SECTION 80-5-134, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 80-5-134, MCA, is amended to read:

**"80-5-134. Prohibitions.** (1) A person may not sell or transport for use in planting in this state any seed that:

- (a) contains prohibited noxious weed seeds;
- (b) contains restricted weed seeds in excess of the maximum numbers per pound allowed under rules adopted by the department;
- (c) contains in excess of 2% or more of weed seed;
- (d) is offered or exposed for sale more than 12 calendar months from the last day of the month in

which the germination test was completed. This 12-month limitation does not apply when seed is packaged in hermetically sealed containers within 12 months after harvest. The container must be conspicuously labeled in not less than 8-point type to indicate that:

- (i) the container is hermetically sealed;
- (ii) the seed has been preconditioned as to moisture content; and
- (iii) the germination test is valid for a period not to exceed 18 months from the date of the

germination test for seeds offered for sale on a wholesale basis and for a period not to exceed 36 months for seeds offered for sale at retail.

- (e) is labeled, advertised, or otherwise represented as being certified seed of any class unless:

- (i) it has been determined by a seed certifying agency that the seed conforms to standards of purity and identity as to kind, species (and subspecies, if appropriate), or variety; and

(ii) the seed bears an official label issued for that seed by a seed certifying agency certifying that the seed is of a specified class and a specified kind, species (and subspecies, if appropriate), or variety;

(f) is a variety for which a United States certificate of plant variety protection has been issued or applied for under the provisions of the Plant Variety Protection Act, 7 U.S.C. 2321, et seq., without the authority of the owner of the variety or is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which the certificate or application for "protection" specifies sale only as a class of certified seed, provided that seed from a certified lot may be labeled as to variety name when used in a mixture;

(g) is not labeled in accordance with the provisions of this chapter and appurtenant rules or that has false or misleading labeling;

(h) has been falsely or misleadingly advertised.

(2) It is unlawful for a person within this state to:

(a) detach, alter, deface, or destroy any label provided for in this chapter or by rules promulgated pursuant to this chapter or to alter or substitute seed in a manner that may defeat the purposes of this chapter;

(b) disseminate any false or misleading advertisement concerning seed subject to the provisions of this chapter in any manner or by any means;

(c) hinder or obstruct, in any way, any authorized person in the performance of duties authorized under this chapter;

(d) fail or refuse to obtain a license when required pursuant to 80-5-130;

(e) 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 except with permission of the department and for the purpose specified in the stop sale order;

(f) fail to comply with any provisions of this part, including rules promulgated under this part;

(g) use the word "trace" as a substitute for any required statement; or

(h) use the word "type" in any labeling in connection with the name of any agricultural seed variety;

or

(i) provide seed cleaning and conditioning services without obtaining a properly completed genuine grower declaration form as specified by the department."

- END -

I hereby certify that the within bill,  
HB 487, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

HOUSE BILL NO. 487

INTRODUCED BY J. KASSMIER

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